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A W A R D

O F

KING CHARLES I.

UNDER HIS BROAD SEAL,

S E T T L I N G

TWO SHILLINGS of the POUND
out of the Rents of the Houses in NORWICH, for
the Maintenance of the Parochial Clergy of that
City, in lieu of Personal Tithes.

W I T H A

T R E A T I S E

V I N D I C A T I N G

The Legality and Justice of that AWARD.

 By HUMPHREY PRIDEAUX, D. D.

 Late DEAN of NORWICH.

L O N D O N :

Printed for the EDITOR; and sold by G. ROBINSON, in
Pater-noster-Row, and J. W. PIERCE, in *Coventry*.

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TO THE
SERIOUS AND CANDID
CONSIDERATION
OF THE
INHABITANTS
OF
CONVENTRY,

THE FOLLOWING SHEETS,

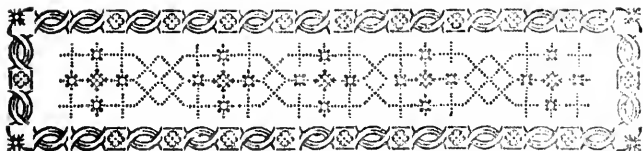
WHICH TEND TO THROW SOME LIGHT UPON
THEIR CASE OF TITHES,

ARE,

WITH ALL DUE RESPECT,

RECOMMENDED BY

THE EDITOR,



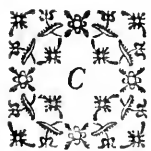
A N

A W A R D

O F

King CHARLES the First.

Under his Broad-Seal, settling Two-Shillings
of the Pound out of the Rents of Houses
in NORWICH for the Maintenance of the
Parochial Clergy of that City.

 *HARLES*, by the Grace of God,
King of *England, Scotland, France* and
Ireland, Defender of the Faith, &c.
greeting. Whereas upon a petition pre-
sented unto us in the name of the Par-
sons, Vicars, and Curates, within our city of *Nor-*
wich, complaining, that the most of them had nei-
ther certainty, nor competency for the means of
their living, but were forced to depend upon the
over small and arbitrary benevolence of the people;
We ourselves were pleased at our council-board at
Whitehall, Jan. 21, 1637, to hear, as well the peti-
tioners,

tioners, and our Attorney General on their behalf, as some of the magistrates and citizens of our said city, and their council, concerning the truth of the said complaint. And afterward sitting in council, *April 1, 1638*, we received two writings, or acts of free and voluntary submission unto our royal judgment and determination; the one of which writings was as followeth:

To our most gracious Sovereign Lord *Charles*, by the Grace of God, of *England, Scotland, France, and Ireland*, King, Defender of the faith, &c. We your Majesty's most humble and devoted subjects, the Mayor, Sheriffs, Citizens, and Commonality of the city of *Norwich*, do most humbly certify, that at a common council holden in the chamber of the *Guild-hall* of the city of *Norwich*, the sixteenth day of *March*, in the thirteenth year of your Majesty's most happy reign, before *Robert Sumpter*, Mayor of the said city, *Tho. Cory*, *Alexander Anguish*, *Christopher Barrett*, *John Toly*, *Richard Harman*, *Henry Lane*, *William Gostlyn*, *John Loveland*, *Thomas Carver*, *Richard Ward*, *Thomas Barber*, and *John Thacker*, Aldermen, and *John Lombe* and *Matthias Sotherton*, Sheriffs of the said city of *Norwich*, and the greater number of the commoners of the Common Council of the said city assembled then and there, among other things it is enacted, *viz.* The said court of Common Council in all humbleness have submitted themselves to your Majesty's most gracious judgment and award, touching the difference depending before your Majesty, between the Parsons and Vicars of *Norwich*, and the parishioners of the several parishes of the same concerning tithes. In witness whereof, We, the said Mayor, Sheriffs, Citizens, and Commonality of the said city of *Norwich*, have caused the common seal of the said city to be hereunto put. Dated in the said chamber, of the *Guild-hall* of the city of *Norwich*, the sixteenth day of *March*, in the thirteenth year of your Majesty's most happy

happy reign of *England, Scotland, France and Ireland.*

For further explanation whereof, the above-named Aldermen, *Alexander Anguish*, and *John Toly*, professing that they had sufficient power from the said city, touching the said submission, did declare, That the stipendiary ministers, of the said city, were not less intended in that their act, although none but the Parsons and Vicars were mentioned in the same.

And the other of the above-named writings were in these words.

Augustissimo in Christo Principi, ac Sacratissimo Domino meo, Domino Carolo Dei gratia, Angliæ Scotiæ, Franciæ, & Hiberniæ, Regi, Fidei Defensori, &c. Humillimus vester & devotissimus servus Mathæus permissione divina Norvicensis Episcopus cum omni veneratione humiliter significat, quod primò die Martii jam incurrentis Rectores, Vicarii, & Curati Ecclesiarum Parochialium infra Civitatem vestram Norvicensem, & libertates ejusdem, in consistorio Episcopali Norvicensi sponte comparentes coram Clemente Corbet, Legum Doctore, Vicario meo in Spiritualibus Generali, Schedulam quandam de submissione per ipsos facta in causa suorum respective stipendiorum, & alimoniarum, prout serenissimæ vestræ Majestati placuerit arbitrari inter ipsos, & dictæ Civitatis Incolas, unanimiter exhibuerunt, eandemq; per unum ipsorum vice & nomine reliquorum publice perlectam Diocesano suo transmitti petierunt, prout ex dicta schedula præsentibus annexa pariter cum dicti Vicarii mei Generalis certificatorio plenius apparet. Ego vero præfatus Mathæus Episcopus Norvicensis dictum Cleri Norvicensis consensum, dictamq; submissionem in annexa schedula cum nominum suorum, & cognominum subscriptione sigillata munitam autoritate mea Episcopali, quantum de jure possum, confirmo, & ratifico,

ratifico, necnon pro Rectoribus Ecclesiarum Sancti Edmundi, & Sancti Petri de Hungate, & Sancti Michaelis ad Placita jam vacantium assensum & consensum meum Episcopalem antedictæ submissi-
oni ad omnem juris effectum quantum in me est, præ-
beo atque Canonice exhibeo. In quorum omnium
fidem sigillum meum Episcopale præsentibus appo-
sui. Datum in Aedibus meis infra septa Ecclesiæ
vestræ Collegiatæ Sancti Petri Westmonasteriensis
tricesimo die Martii, Anno Domini 1638, & Se-
renissimæ vestræ Majestatis Regni Anno decimo
quarto.

And the Schedule annexed was this:

In Dei nomine Amen, Coram vobis Clemente
Corbet Legum Doctore Reverendi in Christo Pa-
tris, ac Domini Domini Mathæi permissione divi-
na Norvicensis Episcopi, Vicario in Spiritualibus
Generali, ac Curiae ejusdem Consistorialis Nor-
vicensis Officiali principali legitime constituto, Nos
Rectores, Vicarii, atque Curati Ecclesiarum Pa-
rochialium infra Civitatem Norvicensem, & Li-
bertates ejusdem, considerantes, quod variæ que-
relæ, & controversiæ circa solutionem decimarum,
oblationum, aliorumque jurium Ecclesiasticorum,
sive Pensionum, aut quocunque alio nomine cen-
seantur, aut censenda sint, annua stipendia, atque
salaria, quæ de singulis respectivè Parochiis infra
Civitatem & Libertates prædictas pro sustentatione,
& alimonia nostra, quocunque modo solvi solent,
aut debent, jam pridem ortæ motæq; fuerint inter
nos ex una parte, Civesq; & Inhabitantes dictæ
Civitatis & Libertatum ex altera, necnon quod spe
stabilis pacis & concordie imperpetuum inter
partes prædictas circa præmissa dilecti fratres nostri
Foulco Roberts Sacræ Theologiæ Baccalaureus, &
Gulielmus Allontōn, Artium Magister, nuper in
serenissimum in Christo Principem & Dominum
nostrum Carolum Angliæ, Scotiæ, Franciæ, &
Ilibeniæ,

Hiberniæ Regem, Fidei defenforem, &c. nomine suo nostroque cum consensu Reverendi in Christo Patris ac Domini Domini Mathæi Norvicensis Episcopi supradicti, inque præsentia dicti Domini Regis verbo tenus compromiserunt. Idcirco nos antedicti Rectores, Vicarii, & Curati in majorem præmissorum fidem & stabilimentum omne jus, titulum, & interesse nostra in præmissis, aut circa eadem, per præsentem cum omni, qua par est humilitate, & veneratione, pro nobis & successoribus nostris submittimus, & omnino subjicimus judicio, arbitramento, placito, & finali determinationi Augustissimi Domini Regis antedicti, spondemusque & sancte promittimus, nos ratum, gratum, sanctumque habituros imperpetuum, quicquid Augustissimo Domino nostro Regi Carolo antedicto placuerit, in & circa præmissa ordinare, statuere, & determinare. Deus optimus maximus augustissimam Regis Caroli Majestatem, serenissimam Reginam Mariam, excellentissimum Principem Carolum, reliquamque Regiam prosapiam diutissime servet incolumes, annorumque tandem saturos in cœlestis Throni gloriam, sed feros eyehat.

*Subscribed with the names of thirty one of the aforesaid
Parsons, Vicars, and Curates.*

We having well and maturely considered the whole business, and of our Princely goodness intending to provide some competencies of livelihood and maintenance, of which the clergy of that city shall be duly and legally ascertained, thereby to cut off all future occasion of complaint and controversy in that behalf, and to settle peace and a mutual correspondence of love and amity between the said Clergy and the Inhabitants of our said city, do by these presents declare and express our final determination, arbitrement, and award between all parties before mentioned in form as followeth:

Forasmuch as it is given us to understand, that the inhabitants of our city of *London* do pay for their tithes unto their Ministers after the rate of two shillings and nine-pence in the pound, and that in our city of *Canterbury*, the inhabitants of one parish do pay according to the same rate, and in all the other parishes there, after the rate of two-shillings and six-pence, and that in our city of *Coventry* by Act of Parliament *Quarto & Quinto Philippi & Mariæ* the maintenance of their ministers is provided after the rate of two shillings in the pound, which rate not only is allowed by the general course of the canon law, by way of tithes *pro pensionibus Domorum*, but also is now observed and paid in some parishes within the counties of *Middlesex*, *Essex*, *Kent*, and *Surry*, adjoining to our city of *London*, and that less than the said rate of two shillings in the pound, is no where accustomed and established. We therefore award, order, and decree, that the said rate of two shillings in the pound, and so proportionably for every lesser or greater rent or value, shall from henceforth for ever be due, and payable in every parish within our said city of *Norwich*, and the liberties thereof, in lieu of tithes, according to the rates and values of all houses, shops, sheds, warehouses, cellars, and vaults, and of all water-mills, wind-mills, and horse-mills, and of all standings, and stalls in the streets, and markets, and of all brick-kilns, tile-kilns, and lime-kilns, and of all wharfs, yards, orchards, gardens, waters and ponds, and of all other grounds, edifices, or buildings whatsoever, within the said several parishes, and to be paid by the owners or occupiers of any of the premises unto the ministers, whether they be Parsons, Vicars, or stipendiary Priests of that parish, wherein any of the said particulars are situate and being, or whereof the same have for the space of twenty years last past by occasion of any consolidation, union, prescription, usage,

usage, or custom been commonly taken and reputed to be.

And our Will, and Royal Pleasure, and Decree is, that the said rates and values shall be taken, and accounted according to the true yearly rent or rents, for which any of the particulars aforesaid, are now demised and letten, or for which they are now reasonably worth and fairly to be demised and letten by the year, and for which they shall and may hereafter from time to time be yearly demised and letten, without taking any fine for the same, or using any other device or conveyance, by which the whole true yearly value and rent may in any wise be disguised, lessened, defaulted or abated.

And we further declare, order, and award, that the said payment shall be made every quarter rateably, that is to say, at the feast of *St. Michael the Archangel*, the *Birth of our Lord God*, the *Annunciation of the Blessed Virgin Mary*, and of *St John the Baptist*, or within six days after every of the said feasts for ever. The first payment to be made at the feast of *St. Michael the Archangel* next following after the date of these presents. And in case it shall happen that any person or persons whatsoever shall at any time refuse to pay unto the minister of any parish within the said city, and the liberties thereof, according to the rate thus by us determined, or any parcel as above specified, and being or reputed to be situate within the said parish, or shall conceal and refuse to declare what the true rent of the same is, or if any question, difference, or controversy shall at any time hereafter arise touching the true rent or rents, or the true and reasonable value or values of any of the premises, our Royal order, decree, and determination is, that the same shall be heard, and determined either in our High Court of *Chancery*, or in the Consistory of the Bishops of *Norwich*, as to the said Mi-

nisters shall be found meet to make their complaint, to be proceeded in according to the ordinary course of the said courts for all other causes, and that in this case our Royal Writ of Prohibition against the Bishops of *Norwich*, or their Chancellors, Commissaries, Officials, or their Surrogates in the said court of Consistory shall not be granted. And if any such writ be at any time obtained out of any of our courts of justice contrary to this our decree, and arbitration, our Royal Will and Pleasure is, that upon sight of this our Award and Determination, the Judge or Judges of the said court shall forthwith grant a consultation to the behoof of the Minister, craving the same, with his reasonable costs and charges for the same; and to this end our express Will and Pleasure is, that this our present Award and Determination shall be issued and confirmed under our Great Seal, of *England*, and shall be recorded in our said High Court of *Chancery*, and also in the said Consistory Court of the Bishop of *Norwich*.

Provided nevertheless, that if any of our loving subjects, inhabiting within our said city, and the liberties thereof, shall at any time find just cause of grievance against the proceedings of the said Court of Consistory, touching any of the premises, they shall not by this our Determination be precluded from any such legal appeal or appeals, as in any other cause or causes is accustomed.

And further, We do order and decree; that if within any of the parishes of our said city of *Norwich*, and the liberties thereof,, any corn-ground, root-ground, saffron-ground or weld-ground now be, or at any time hereafter shall be, the same shall herein be always and wholly excepted, as not intended to be any way comprised within this our final Award and Determination, but to be left in the same state and condition, wherein any such grounds are known to be

be within the said city and the liberties thereof, and to pay their accustomed tithes, according as is already by any usage or law established.

And We do moreover declare, that our Royal Award and Decree is, That the Chaplain of our hospital of *St. Giles* within our said city shall from time to time for ever yearly have, receive, and enjoy, the benefit of this our Decree and Determination, as touching the parishioners and inhabitants of the parish of *St. Helens* annexed to the said hospital, over and above the annual salary or stipend of twenty pounds, or thereabout, which is now paid him out of the revenues of the said hospital, together with the habitation or dwelling house, which as Chaplain of the said hospital he now enjoyeth.

And lastly, Our Royal Will and Pleasure, Award and Judgment is, That neither by the Mayor, Sheriffs, Justices, and Commonality of our said city of *Norwich*, nor by the parishioners of any of the said several parishes any new taxes, assessments, or impositions shall at any time for any occasion be laid upon any of the said Ministers otherwise than as hath in former times been orderly used and accustomed: reserving nevertheless power unto ourselves, or to the Lord Bishop of *Norwich*, for the time being, by authority from us under our signet, or privy seal, from time to time to assess or appoint any one or more pensions out of the means, which by this our Royal Award, shall yearly arise, and accrue in the three parishes of *St. Andrew's*, *St. Peter's* of *Man-croft*, and *St. Stephen's*, so that the said pension or pensions in the whole exceed not the tenth part of the said annual means, and the said pension or pensions so assessed and appointed to allot and assign to be quarterly paid and distributed by the Ministers of the said three parishes, unto and among such other of the Ministers of the parishes within our said city,

city, according as shall be thought meet to ourselves, or to the said Lord Bishop by authority from us, whose means will not be found to arise to any convenient competency of living, although they do enjoy the benefit of this our Decision, Award, and Determination,.

In witness whereof we have caused these our letters to be made patent. Witness ourself at *Canbury*, the seventh day of *August* in the fourteenth year of our reign.

Per ipsum Regem

W O L S E L E Y.

Indorsed,

An Award made by his Majesty for the Ministers of *Norwich*, for Two Shillings in the Pound.

W O L S E L E Y.

A VINDI-

A

VINDICATION

OF THE FOREGOING

AWARD of King CHARLES I.

*Wherein is shewed the Justice and Legality of it ;
and also that personal Tithes, in lieu of which
the Payment of Two Shillings of the Pound
out of the Rents of Houses was decreed by this
Award are still due by the Law of the Land ;
and that there is a Necessity of again restoring
them or settling something else in lieu of
them for the Maintenance of Ministers in the
Cities and larger Towns of the Realm.*

THIS Award having been made a little before the civil wars broke out, the power which the parliament from the first beginning of those unhappy commotions obtained in the associated counties, (of which *Norfolk* was one) quashed it, before it was ever thoroughly put in execution. For the exorbitant power of the King's-privy council (as they were pleased to term it) being one of the pretended grievances for the remedy of which that war was made, wherever the parliament obtained the power, they condemned and annulled whatsoever his Majesty had in council decreed. And therefore this Award having been made by his Majesty in council, it was looked on as an effect of that exorbitant

bitant power they complained of, and as such was over-ruled and suppressed by the rebels, as soon as they had got the mastery in this city, which was as soon as the wars begun: For *Cromwell* having in the beginning of that rebellion, when only a Captain of horse, secured the county of *Norfolk*, by seizing all the gentlemen of it, that were for the King, and carrying them prisoners to *Cambridge*, the city of *Norwich* was thenceforth wholly under the power of the parliament. And from that time this award having been suppressed during the whole continuance of that rebellion, the great change that happened during that interval joined with the short continuance of the said Award in its first establishment, made it so forgot at the restoration, (which was the proper time for its re-establishment) that it was never again revived, or taken the least notice of ever since. For all that had been Ministers of the city in the beginning of the wars, being then either dead, or otherwise removed, and all others gone off the stage, that were any way concerned in this matter, those who were settled in the parochial cures of this city on the restoration, and whose interest it was to have this Award again put in execution, knew nothing of it, and therefore were content to go on to serve their cures upon the same bottom of arbitrary contributions, on which their predecessors left them, and so it hath continued ever since. And among the several attempts that have been made for the establishing of a settled maintenance for the parochial clergy of this city, as in the years 1677. 1685, and 1704, not any the least mention of this Award was ever made that I can hear of. And since the mentioning of it would very much have served that design, we may be confident it would not have been omitted by those who were for the promoting of it, had they known any thing thereof. And altho' I have now been here above five and twenty years, I never heard any thing of it till I was lately told, that
there

there was a registration of it in the principal registry of the Bishop of *Norwich*. That was sufficient to assure me, that there was such a thing. But the original, which is there said to be in the keeping of the Dean and Chapter of *Norwich*, not being, I was sure, among our writings in our evidence room, which I had several times looked all over, I took it for certain, that it had been either destroyed in the late wars, or since lost, till lately having occasion to examine our Chapter Clerk's office on a changing of that officer, I there very unexpectedly found it made up among the old *Conge d' Eslires*, where through the ignorance of a former officer it had been misplaced. And therefore having thus again brought it to light, after it had for so many years lain hid, I think it my duty to make it as publick as I can, hoping that sometime or other it may obtain that good effect for the honour of God, and the good of his church, for which it was first intended, by procuring, if not a submission thereto, yet at least some other such settlement by the unquestionable authority of Parliament to be established in its stead for the same end. And that it might do so, not only at *Norwich*, but also in all other places, where there is the like need of such a settlement, is the reason that I have added this present treatise for the justifying of it.

The grand objection against it being, that it was not in the power of the King and his council to make such a decree, because it is the laying of a new tax upon the people, which none but the parliament can do; and for this reason it having been condemned, and annulled, in the late times, and ever since suppressed, I shall for the removal of this objection, and the clearing of all things else that may be said against it, endeavour to shew,

- I. The legality of this Award; and then,
- II. The justice and reasonableness of it. And

- I. As to the legality of this Award, that which

is hereby decreed is not a new tax imposed upon the people of *Norwich*, but a moderate composition for an old and just due, which ought to be paid: For the two shillings of the pound decreed by this Award is in lieu of personal tithes, which are due to the ministers from all the tradesmen of the city out of the gains which they make by their trades. And if these tithes are still due, then the inhabitants of the city can make such a composition for them as shall be binding on them and their successors. And if they can themselves make such a composition, then certainly they can empower another, by way of Award, to make it for them. And therefore since all the inhabitants of the city of *Norwich*, by their just representatives met in common council, of the one part, and all the parochial clergy of the said city, with the Bishop of the Diocese, on the other part, did wholly submit this matter to the arbitration of King *Charles* the first, and he did, being thus empowered by both parties, make this Award of two shillings of the pound of the rents of all houses in the said city. to be paid to the ministers of the parish churches therein, as a composition in lieu * of all personal tithes. If any other Award made on the thorough submission of both parties be good in law, then certainly this so solemnly made by the King in council, and on so thorough a submission antecedent thereto, must be good in law also.

But to make this appear more fully and clearly in all its particulars, I shall shew, 1st, That personal tithes are still due by the law of the land. 2dly, That the people and their ministers can make such a composition for them, as shall hold good in law, and bind their successors to the observance of it. And 3dly, That this composition was so made, and therefore it is still in force.

But

* *The Award saith, That the said payment is in lieu of tithes; but no other tithes can be there meant but personal tithes, because in most of the parishes of the said city of Norwich, there can none other arise.*

But that it may be understood what is meant by personal tithes, it will be necessary that I premise, that tithes are of three sorts, 1st, Predial, 2dly, Personal, and 3dly, Mixed. Predial tithes are of all such things as grow up *e prædio*, that is out of the ground, whether they be grain, herbage, or the fruits of trees. Personal tithes are of such profits as are gained by the labour and industry of man, as by merchandize, handicraft trades, or any other labour and employment, (besides husbandry) by which men get their livings. Mixed tithes are of such things as arise partly of the ground, and partly of the labour and industry of men, as calves, lambs, pigs, milk, cheese, honey, and such like. As Predial and Mixed tithes are for the maintenance of Ministers in country parishes, where they arise, so Personal tithes are for the maintenance of Ministers in towns and cities, where other tithes do not arise, and therefore these latter are as necessary for the support of God's worship as the other.

And that these Personal tithes, are as much due in towns and cities as Predial and Mixed tithes are in country parishes, doth appear from hence, that there are the same laws still in force for the one, that there are for the other, and the same usage of antiquity to justify the Ministers claim to them.

* St. *Ambrose*, who lived within the fourth century after Christ, tells us, that tithes are to be paid out of the profits of trade, and hunting, as well as out of corn and wine, the fruits of trees and the products of animals. And St. *Austin*, who was his cotemporary, lays it down as a rule, † That God requires

C 2

tithes

* Quid est fideliter decimas dare, nisi ut nec pejus, nec minus aliquis Deo offerat aut de grano suo, aut de vino suo, aut de fructibus arborum, aut de pecoribus, aut de hortis, aut de negotiis, aut de ipsa venatione sua? Ambros. Ser. 35. inferia tertia.

† Quod si decimas non habes fructuum terrenorum, quos habet Agricola; quodcumque te pascit ingenium Dei est; inde decimas expetit, unde vivis; de militia, de negotio, de artificio redde decimas; aliud enim pro terra rependimus, aliud pro usura vite penamus. Augustinus de tempore, Sermon. 219. tom. 10. p. 335. Edit. Colon.

tithes of every thing, whereby men live, not only of the fruits of the earth, but also of their employments, because God gives ingenuity for those employments, as well as his blessing for the fruits of the earth, and consequently both being from him, there is due to him a tribute for both. And therefore he earnestly exhorts his people to pay tithes of the profits, which they receive by war, by merchandize, and by handy-craft trades. And in the council of *Sevil*, in *Spain*, held *Anno Dom. 590*, * it is decreed, That every tradesman should pay tithes of the gain of his trade, as well as the husbandman of the product of the ground. And *Egbert* who was made Archbishop of *York*, *Anno Dom. 735*, in those canons, which he collected for the government of his province, prescribes, † That tithes be paid out of all those employments, by which men gain their livings, as of the gain of warfare, merchandize, and handy-craft trades, as well as of other things. And *Charlemaine* in his capitulars published *Anno Dom. 789*, ‡ enjoins, that men pay tithes of their labour, as well as of their substance. And in the council of *Arles*, held *Anno Dom. 813*, it was decreed, § That every man should offer to God the tithes of his proper labours.

And here in *England*, among the laws of King *Edward* the Confessor, which were gathered into a body

* *Omnis rusticus & artifex quisque de negotiis justam decimationem faciat sicut enim Deus omnia dedit, ita de omnibus decimam exigit, concil. Sivil. con. 5.*

† *Decimæ tributa ecclesiarum sunt—O homo inde dominus decimas expetit, unde vivis, de militia, de negotio, de artificio redde decimas, non enim eget dominus noster, non præmia postulat, sed honorem. Can. 100. Spelmani Concil Anglican. tom. 1. p. 268.*

‡ *Secundum Dei mandatum præcipimus, ut omnes decimam partem substantiæ, & laboris suis ecclesiis & Sacerdotibus donent, tam nobilis quam ingenui, & liberi. C. 17. Baluz. tom. 1. p. 253. Et iterum Ann. 800. volumus ut judices ex omni collaboratu pleniter donent ad ecclesias, qua sunt in nostris fiscis. Baluz, tom. 1. p. 332.*

§ *Unusquisque de propriis laboribus decimas & primitias Deo offerat. Can 9.*

body by a Parliament * of twelve men out of every county, called together for this purpose by King *William* the Conqueror, and ratified and confirmed by that King, and published by him as the standing laws, by which the realm was to be governed, the eighth and ninth being about the payment of tithes, they are there enjoined to be paid, not only of the product of the ground, and of animals, but also † *De negotiationibus, & omnibus rebus, quas Deus dederit, i. e.* of trade, and of all things else which God shall give.

And among the Provincial Constitutions, collected by *Lyndwood*, which are the known and allowed laws of the land, as to ecclesiastical affairs, there are two constitutions of *Robert de Winchelsey*, Archbishop of *Canterbury*, enjoining the payment of personal tithes. The first of them doth decree, ‡ That personal tithes be paid by all artificers and merchants, that is, of the gain of their trades; and that in like manner they be paid by carpenters, smiths, masons, weavers, ale-wives, and all other labourers. And § the other reckoning up the particulars, out of which tithes are to be paid, doth among them insert fawkning, hunting, handycraft, and merchandize, and doth as strictly enjoin the payment

not all

* H. de Knighton de eventibus Angliæ lib. 2. c. 4. Roger Hoveden in annalium parte posteriore sub fine vitæ Henrici Secundi.

† Spelmanni Concil. Anglic. tom. 1. p. 621. Roger Hoveden, *ibidem*. H. Knighton de Eventibus Angliæ, lib. 2. c. 4.

‡ Statuimus etiam, quod decimæ personales solvantur de artificibus & mercatoribus, scilicet de lucro negotiationis, similiter de carpentariis, fabris, cæmentariis, textoribus, pandoxatricibus, & omnibus aliis operariis. *Lyndwood de decimis, C. Quoniam propter. Spelmanni Concil. Anglic. tom. 2. p. 432.*

§ Parochiani omnes & singuli integre & sine diminutione decimas inferius annotatas ecclesiis suis persolvant, scil. decimas lactis, &c. Aucupitii, — Molendinorum, venationum, & negotiationum nullis expensis ratione præstationis decimarum deductis, seu retentis, nisi tantum de præstatione decimarum artificorum, & negotiationum. *Lyndwood de decimis, C. Sancta Ecclesia,*

payment of tithes out of these, as out of corn, hay, or any other product of the ground, only with this difference, that, whereas all other tithes are to be paid without allowing for the charges, in these personal tithes the charges are first to be deducted, and then the tithes to be paid out of the clear gains.

And in the decretals there is a decree made by Pope *Celestine* the Third, *Anno. Dom.* 1195, which enjoins, * That according to the writings of the ancient Fathers, tithes be paid, as of other things, so also of trade, and even of warfare, and hunting, and all other goods. And in another decretal of the same *Celestine*, directed to the Bishop of *Ely*, in *England*, *Anno. Dom.* 1210, it is ordained, † That of all things gained by traffic, or made by handicraft trades, tithes shall be paid, first deducting the expences.

And here you are to take notice, That the decretals of Popes, as far as received, and the provincial constitutions of Archbishops agreed in convocation, made up the ecclesiastical laws of this realm, by which all matters of ecclesiastical cognizance were to be determined, and therefore as to these matters, they ever were, and still are, of as much force as any other laws of the realm, and consequently tithes being of ecclesiastical cognizance, and by these laws personal tithes being enjoined to be paid as well as predial, they are altogether as much due by the law of the land, there being the same laws for the one as for the other.

And further it is to be observed, that these ecclesiastical

* *Revera sicut sancti patres in suis tradiderunt scripturis de vino, grano, fructibus arborum, pecoribus, hortis, negotiatione, de ipsa, etiam militia, de venatione, & omnibus bonis decimæ sunt ministris ecclesiæ tribuendæ, ita ut, qui de his solvere neglexerit, ecclesiastica districtione debet percelli. Extra de decimis, C. non est.*

† *Circa res acquisitas vel factas de pecunia decimata, cum ipsæ venduntur, credimus deducendas expensas, & de residuo, quasi de lucro, decimas persolvendas. Extra de decimis, C. non est.*

ecclesiastical laws, as far as they relate to tithes, are particularly confirmed by two acts of Parliament in the reign of King Henry the Eighth; the first *Anno Regni* 27. c. 20. the other *Anno* 32. c. 7. The first of which setting forth in the preamble, *That divers numbers of evil disposed persons having against right and a good conscience attempted to substract and with-hold their tithes and oblations, as well personal as predial, due to God and his holy church, doth enact for the reformation hereof, That all persons do pay their tithes,* (i. e. † all those mentioned in the preamble, personal as well as predial) *according to the ecclesiastical laws and ordinances of this church of England. And that if any shall refuse to pay the said tithes, they shall be compelled thereto by due process of the ecclesiastical said laws.* Which ecclesiastical laws, as to tithes, the said act doth provide shall be in full force, ‡ till a new body of ecclesiastical laws shall be published according to the purport of a former act made by the same King, *Anno. Regni* 25. c. 19. In the last clause of which act, § the same provision is made for all the ecclesiastical laws in general, that as far as they are not contrariant or repugnant to the laws of the land, or the King's prerogative, they shall stand in full force, and be still used and executed as they were before, till the said new body of ecclesiastical laws shall be made and published. By vertue whereof all the said laws are still in force, because as yet there hath not been any such body of laws published, as is by the authority of the said act provided. And the other act of the 32d of the same King, setting forth the like abuse, * doth also enact reformation thereof to be had by the ecclesiastical laws of this realm, and consequently both of them do affirm

† The act for the payment of tithes, *Anno* 2do, & 3rio *Edwardi sexti.* c. 13. saith in the preamble, that the act of the 27th of King Henry the 8th was for the payment of tithes predial and personal.

‡ 27 *H. 8. c. 20. sec. 4.*

§ 25 *H. 8. c. 19. sect. 7.*

* 32 *H. 8. c. 7.*

affirm all those tithes to be good and justly due, which are by the said ecclesiastical laws ordained to be paid. And that these laws do ordain personal tithes to be paid as well as predial, I have above fully shewn.

The manner whereby these tithes were paid was most usually by composition between the minister and the party owing them. But if they could not agree, then the party was called before the Ordinary, and examined upon oath, and of that which did appear upon that examination to be the clear gain above all expences, the tenth part was paid for his personal tithes. And so it continued, till an act of Parliament was made in the second and third year of King *Edward* the sixth, c. 13. which took away the said oath. For it being observed, that many to save their personal tithes, or to deduct from the full payment of them, made no conscience of being forsworn; to prevent the vast number of perjuries, which on this occasion men became guilty of, the said oath was taken away, and thereby in effect all personal tithes were taken away also. For although the said act doth affirm the right of personal tithes, as fully as possible, and enjoins the payment of them still to continue, and by vertue thereof they are at this day as lawfully and rightfully due in all towns and cities, as tithe-corn and tithe-herbage are in the country; yet since there is no other way to discover them, but by the oath of the party who is to pay them, the taking away of that, is the taking away of all proof whereby to recover them. And since for want hereof, they cannot be recovered, no one hath had the conscience ever since to pay them. And this is the only reason that personal tithes have now ceased in this land, and the church hath lost that part of its revenue, whereby Ministers were to be maintained in towns and cities, where there is the most need of them. The words of the act are as followeth :

And

† And be it also further enacted by the authority aforesaid, That every person exercising merchandizes, bargaining, and selling, cloathing, handycraft, or other art or faculty, being such kind of persons, and in such places, as heretofore within these forty years have accustomedly used to pay such personal tithes, or of right ought to pay, (other than such as be common day-labourers) shall yearly at or before the feast of Easter pay for his personal tithes the tenth part of his clear gains, his charges and expences according to his estate, condition, or degree, to be therein abated, allowed, and deducted. Provided always, and be it enacted, That in all such places, where handycrafts men have used to pay their tithes within these forty years, the same custom of payment of tithes is to be observed, and to continue, any thing in this act to the contrary notwithstanding. And be it also enacted by the authority aforesaid, That if any person refuse to pay his personal tithes in form aforesaid, that then it shall be lawful to the Ordinary of the same diocese, where the party that ought to pay the said tithes is dwelling, to call the same party before him, and by his discretion to examine him by all lawful and reasonable means, other than by the party's own corporal oath, concerning the true payment of the said personal tithes.

Here you see the right of personal tithes is as fully and thoroughly asserted as possible. But without the oath of the party, there can be no discovery made whereby to recover them. For the tradesmens books not lying open to every man's view, as do the fields of the husbandman, the gain of trade, out of which personal tithes are to be paid, lieth so hid and concealed, that no evidence can be had thereof, but from the person himself; from which he being by this act discharged, all have taken the advantage hereof to discharge themselves from these tithes also, and they have never since been paid. For where there can be no evidence for the thing claim-

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† 2do & 3do Edwardi Sexti, c. 13. sect. 7, 8, 9.

ed, there can be no sentence of law for the recovery of it, how justly soever it be due ; or any other coercion but that of the conscience, to oblige men to pay it. But this being too weak to bind men of trade, where their gain is concerned, the general practice hath been ever since this statute no more to pay those tithes. And so that perjury in some, which this law was made to prevent, is hereby turned into an universal sacrilege in all, which is much the worse of the two.

But however, though this act hath taken away the means of discovering these tithes, yet the right to them is not extinguish'd hereby. The legal remedy indeed hath ever since failed, but not the legal obligation to pay them ; for all the old laws for their payment still remain in their full force, and this new law of King *Edward* the sixth gives affirmance to them in as full and clear a ratification as can be desired. And although that evidence cannot be had, which the statute doth now require for the proof of them, yet every tradesman that knows at the year's end what gain he hath made by his trade for that year, hath evidence enough in his conscience what is the portion which he ought to pay, and he robs God and his church whenever he detains it. When a just debt, is due, tho' the creditor hath lost his bond, or other evidence whereby it may be legally proved, yet every honest man will think himself obliged faithfully to pay what he justly owes. And therefore since it fully appears by what I have above-said, that personal tithes are still justly and legally owing, tho' the Minister hath lost the means of proving them, the tradesman, who is to pay them, hath not ; he knows his gains, and consequently he knows what is due for the tithe of them. And can he then be a good and just man, if he doth not faithfully pay them ? though he be clear of all coercion of law in this case, he cannot be clear of the obligation of his conscience, but as long as he knows the due, he is bound to pay it,

it, whether the law can force him to it or no. Whofoever acts contrary hereto in any case whatsoever, offends against justice: but to do otherwise in the case now before us, is to sin against religion also, it being no less than the horrid crime of sacrilege, for any man to detain from God and his church for the maintenance of his Ministers, what he knows to be duly consecrated thereto.

But it may be here objected, that personal tithes are not due, because they were never commanded by the *Mosaical* law. For they that claim tithes as due of divine right, claim them by that law, and therefore those tithes which are not due by that law cannot be claimed. And this was the objection of *William Ruffel*, a begging friar, in the reign of King *Henry* the sixth. For the friars from the beginning of the 13th century having long carried on a design for the robbing of the parish priests of their rights, in order thereto they advanced a doctrine, (which was afterwards licked up from them by *Wickliff*) that tithes were not due by any law of God to the parish priests, but were meer alms, and might be given by the owners to whom they pleased, hoping that if they could get this doctrine to obtain, they might thereby draw all tithes to themselves by way of alms. And in this the begging friars, who lived of alms, being chiefly engaged, as having the greatest prospect of advantage from it, although the point was then determined to be against them upon the prescript of God's law, and their doctrine was thereon condemn'd as heretical, yet they would not wholly give over the plot, but still carried it on in part, after they had failed in the whole, alledging, that there being in no part of God's law any mention of personal tithes, whatsoever there might be of predial or mix'd, they at least must be only alms, and in the power of the owners to give them to whom they pleased. And accordingly they did put the said *Ruffel* to preach up this doctrine, for which he * was condemn'd as an

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* *Arthurus Duck* in vita *Henrici Chichley Archiepiscopi Cant.* Selden of *Tithes*, c. 7. sect. 5. p. 170.

heretick by the University of *Oxford*, and also by the convocation of the province of *Canterbury*, in the fifth year of King *Henry* the sixth, and made undergo very severe penance for it. But notwithstanding this condemnation, in answer to the abovementioned objection I must acknowledge, that whatsoever the canonists and divines say of predial and mix'd tithes, they generally give up the cause as to personal tithes, and allow no other right for them, but from human institution.

But without entering into any dispute about this matter, I am sure a maintenance for the support of God's worship, and those that minister in it, is due by the same law, which commands that worship (the means being always necessarily included in the law that enjoins the end) and there are none that treat of this argument, that have ever denied a divine right as to this, but all have allowed that a sufficient maintenance for the support of the worship of God, and his Ministers, is due by the law of God and nature, and that he sins against both, whoever withholds it. And therefore should we allow only this maintenance in general, to be due by divine right, and that it is left to the civil government of every country to determine the *quota pars*, yet even upon this *hypothesis*, when the government hath determined the *quota pars*, it must be as much due, as if God had commanded it himself, because when they have determined it, to whom God hath left it to be determined, whensoever it is thus determined it is done by his authority, and therefore altogether as valid, as if he had done it himself. In the eighth commandment, which forbids the taking away of another man's right, it is left to the laws of every country to determine, what that right is, and yet notwithstanding, when any man's right is thus determined, it is as much a breach of this commandment of God to take it away, as if God had determined it himself. And so in the law which forbids the withholding a sufficient maintenance for the support of
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God's worship and ministers (which all own to be of divine institution) although it be left to the civil government of every country to determine the part which all are to pay, yet after the government hath determined this part, it is as much a breach of God's law to detain it, as if God had determined it himself. God did indeed in the *Jewish* state (wherein he acted as national governor of that people) determine himself the particular portion, which was to be set apart for the support of his worship and ministers, and so did he also therein, what every man's particular property and right should be. For he distributed it by lot in the first division of the land, and made all the laws, by which it was afterwards to be governed and determined, and yet this doth not hinder, but that still the eighth commandment is in its full force as much now, as in the *Jewish* state. And though now not God's laws, but man's laws do determine in every state, what every man's property is, yet it is as much theft now to take it away as ever. Neither can it hinder, but still the law for the support of God's worship and ministers is in the same force as ever; and tho' it should be granted, that now not God's laws but man's laws do determine it to a tenth part of our yearly increase, yet still it would be as much sacrilege now to detain that tenth part, as ever it was when God commanded it himself. So that whether it be God or man that appointeth the *quota pars*, it comes all to the same pass, as long as it be allowed (which all agree in) that the law of God doth in every place require a sufficient maintenance to be set apart for the support of his divine worship, and those that minister in it. For if God's law commands a maintenance in general, and leaves it to every state to determine the particular portion, when the state hath determined this portion, it is as much due by that law, as if God had determined it himself; in the same manner, as when an act of parliament is made for the raising of a tax, and it be left to commissioners to assess every man's particular

ticular *quota*, that which the commissioners do by vertue of that act assess upon every man, is as much due by that act, as if it had been particularly specified, and in expresse terms set down therein, and it will be interpreted altogether as great a breach thereof to detain it. For in the same manner in this case the governors of every state are as God's commissioners, to assess and determine the *quota pars*; and therefore, when they have determined it, the part so determined and appointed by them, becomes the portion, which is due by the law of God, in as full and valid a manner, as if He the supreme law-giver had in the said law stated and determined it himself. For, what any one doth by his delegates, fully authorized for that purpose, is, in all construction of law and reason, of the same force and validity, as if he had done it himself. And therefore even according to this hypothesis (which no one will hold out against) that only a sufficient maintenance in general is commanded by God's law, and that it is left to the governors of every state to appoint the particular portion, it will follow, that when they have determined this portion, they have done it by God's authority; and therefore that part, which they appoint, must be as much due by that law of God, as if God had therein determined and appointed it himself; and consequently, in every place, it must be as much a breach of that law to detain it, and every man will load his soul with altogether as great a sacrilege, that is guilty herein.

And therefore, to come home to the case in hand, although personal tithes be no where commanded in God's word, yet a sufficient maintenance is. This the law provided for; this the gospel * commands, and reason itself makes it just, that in every place, where there are labourers in God's harvest, they should have their hire. And none that have owned the name of *Christians* (excepting only the wild sect of the *Quakers*,) have ever denied it. And in truth, none deserve that

name,

* 1 Cor. ix. 13, 14. Gal. vi. 6. 1 Tim. v. 17, 18.

name, that do not comply herewith, because whoever is for the christian worship, must be also for the means and maintenance, whereby it is to be supported. But in towns and cities there can be no predial or mix'd tithes, because in them there are none of those products, out of which they do arise. But there are other products of gain of much greater value, and much easier acquisition, which are the fruits of God's blessing as well as the other, that is, the gain of trade and merchandize; and out of these to provide for the support of God's worship in those places, where other tithes sufficient for this end are not to be had, personal tithes have been appointed. And supposing, that only a maintenance in general is commanded by God's law, and that it is left to the civil government of every country to appoint the particular part, (lower than which no christians do hold, except the wild sect above mentioned, who deny all) yet now the civil government of this land hath by law establish'd personal tithes, and that law is still in force, the law of God for a maintenance in general is now in those places, where personal tithes arise, determined to that particular, and those, that do not pay them, break God's law as well as man's law, and become guilty thereby of sinning against both. For if the law of God, which commands the maintenance in general, leaves it to the civil government to appoint the particular part, it certainly commands that particular part to be paid, which the civil government doth appoint. And therefore the civil government of this land having appointed personal tithes, that is, the tenth part of the clear gain of merchandise and trade, to be paid in all towns and cities, where they arise, they are certainly in these places due by God's law, as well as man's law, and they are guilty of the breach of both, who fail in the payment of them.

But to this it will be objected, that the statute of King *Edward* the sixth enjoins personal tithes to be paid only in those places, where they have been accustomed

customed to be paid within 40 years before the date of that statute, and that therefore it lies upon us first to prove, that personal tithes were accustomed to be paid in the city of *Norwich*, within the space of forty years before the second and third of King *Edward* the sixth, before we can claim them as here due by vertue of the said statute.

In answer to this, we must acknowledge, that now after 157 * years are elapsed to demand a legal proof is to put us upon an hard task, but however there are evidences enough to make out the thing. For,

1st, Of the thirty four parishes now remaining in the city of *Norwich*, (for formerly there were many more) twenty were appropriated to religious houses. But religious houses never taking any such appropriations, but where there were valuable and certain profits, this must prove, that there were some certain valuable profits belonging to those parishes, which were worth their having, and if so, they must necessarily have been by personal tithes: for besides these there was no other way whereby they could arise.

2dly, From the time of the enacting of the said statute of King *Edward* the sixth, although the legal remedy, whereby to recover personal tithes, were taken away with the oath of the party, yet compositions were all along paid in this city, in lieu of them, down to the time when this award was made, which were usually taxed by the church-wardens and collected by them, and there are still remaining in the registry of the *Consistorial-Court* of the bishop of *Norwich*, the registration of several proceedings in law, whereby those who refused to pay the said compositions were sued and prosecuted for them, and by legal sentences forced to pay them, which could not have been done, were they not in lieu of some legal due, and there could be no other such due but personal tithes only. But at length these compositions
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* For the 3d of King *Edward* the 6th being Anno Domini 1549, since that 157 years are now elapsed.

falling short of a competency, and there being no certain visible rule, whereby to tax them, this award was made to settle and fix this matter, and hereby the old way of taxing by compositions being superseded, and immediately after that this new way of the award being damned and suppressed by the long parliament, there hath nothing else ever since succeeded in their place for the support of God's worship and the preaching of his word in this large and opulent city, but the arbitrary contributions of the inhabitants, which fall so very much short of a sufficient competency, that those who attend upon them in their greatest concern, the cure of their souls, have scarce so much given them, as will make up the common wages of cobblers, and tinkers, and other mechanicks, who serve in the meanest and vilest employments.

Thus far therefore having proved personal tithes to be still due by the law of the land in those towns and cities, where they arise, I am next to justify this award for the payment of them in the city of *Norwich*, by shewing, 1st, That the parties hereto had full power to make such an agreement concerning them, as would hold good in law: and 2dly, That the agreement of this award was so made, and therefore it is still in force.

And 1st, The parties in this award between whom the agreement was made, were the common-council of *Norwich* of the one part, and the bishop and ministers of the same city of the other part. And in all corporations the common council do act for the whole community, and have full authority so to do. For they are chosen by them for this purpose, and they represent every member of the corporation, so that whatsoever is done by them, is in the same manner valid, as if consented to by every individual person therein. And therefore they have authority to apply the common seal to any instrument they shall think fit, which always speaks from the whole community, wherever it appears, and consequently every agreement they make must bind them, and the whole

body which they represent. And as the common-council can thus agree on the one hand, so also can the clergy, with the concurrence of their bishop on the other, and whatsoever they agree to, especially when ratified by the king, the supreme patron of all the churches in his realms, must bind them and all that succeed. It ever did so in former times, and from this all compositions and *modi decimandi* have had, or are presumed to have had, their original, and it must be so still in all particulars, where there is no law since made to the contrary. And therefore if the said common-council can thus consent and make an agreement for themselves, and the whole body, which they represent, on the one hand, and the ministers with their bishop can do the same for them and their successors on the other, then certainly every agreement, which both parties do thus consent to, must be good and valid in law to bind them, and all that succeed them, to the observance of it.

The great objection against all this is, that since the disabling statutes of the first and thirteenth of Queen *Elizabeth*, no compositions for tithes can be made to bind succession, because in all such compositions there must be an alienation of the tithes for that which is to be paid in lieu of them, but since these statutes no such alienation can be now made. And if otherwise, yet still this composition cannot be good, because to make such compositions binding in law, the concurrence of the patron was always held as necessary as that of the minister, bishop, and party from whom the tithes were due, but there is no such concurrence or consent of the patrons to this award. To which I answer,

1. Here is no alienation made, as in real compositions, where the tithes are granted away in lieu of something else to be paid instead of them. For here is no change of the thing to be paid, but only an agreement as to a rule how it shall be paid. For personal tithes are to be paid in money, that is, the tenth penny of every man's clear gain by his trade,
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and what is decreed by this award is to be paid in money; so here is no change of the species, no alteration of any thing, but as personal tithes are due in money, so they are still by this award to be paid in money. But since the oath is taken away, how to recover the exact tenth penny is the difficulty. For what clear gain any man makes by his trade, doth not lie open to public view, as all other titheable things do, but is locked up and concealed within the books and breasts of the tradesmen, and therefore when controversies arise about it, there is no discovery to be made, but by the confession of the party. And if the inhabitants of any city or town shall by their just representatives, the common-council of their corporation, be content to confess every man as much clear gain annually made of their trades, as the rent of the house, which they dwell in, shall amount unto, and to pay the personal tithes thereof, and the ministers are content to accept of it, because they cannot prove any more, and hereon an agreement be made by the corporation, under their common seal, on the one hand, and by all the ministers of the place then being, with the concurrence of their bishop, on the other, what is there to hinder, but that this agreement must be legal and good, as well as any other agreement, in which all parties concerned do fully concur? If it be said, that it chargeth men, that are not of the corporation, because many of the houses are owned by foreigners. I answer, personal tithes are not a real, but a personal charge, and therefore are not charged on the houses by this composition, but only on the persons inhabiting in them, in the same manner as the parish rates for church and poor. If it be said, that in such an agreement a part is only settled instead of the whole, because personal tithes, if duly paid, would amount to more than is decreed by this award, and that therefore it is an alienation of all that is over, and consequently a composition within the prohibition of the statutes: I answer, That this is

more than any one can discover; possibly sometimes it may be more than the whole that shall be this way paid. But however, though it be so as here objected, yet when the full is taken of all that can be discovered, all is taken that the law will give. For the law will give no more, than can by legal proof be made out and discovered; and if it be impossible to make proof of any more personal tithes due from the gain of trade than shall be by such a composition acknowledged and consented to by the tradesman himself, then that which is paid by such a composition is all, that in the eye of the law can be judged due, and therefore the law can never see an alienation of any thing in this matter.

2dly, The disabling statutes being made only for the preventing of such grants and compositions as would be to the damage of the church, they cannot be urged against those which are made for the benefit of it, as manifestly this agreement is. For since the cath for the discovery of personal tithes is taken away, and it is now through want hereof in the power of every man to conceal the whole of them, all is to the advantage of the church, whatsoever they shall agree to pay for them. Besides those statutes being made only to secure the rights of the church, they cannot be pleaded but on the part of the church; and therefore as long as the church doth not on her part object any thing against this agreement, it must certainly hold good on the other.

3dly, As to what is objected against the validity of compositions where the concurrence of the patron is wanting, it doth not take place in this matter. The law is, that all rectors and vicars of parishes could make real compositions for their tithes and glebes without any limitation before the disabling statutes, and since these statutes they can make leases of their said tithes and glebes for one and twenty years or three lives, and to all these compositions and grants, the concurrence of the patron and the ordinary was ever held necessary to make them bind
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ſucceſſion, otherwiſe they hold good only during the life of him that grants them. But the agreement ſettled in this award, is neither a leaſe nor a real compoſition. A leaſe no one can call it, neither can it be ſaid to be a real compoſition. For in all real compoſitions, there is an alienation of the tithes for ſomething elſe, that is to be paid in lieu of them; but that there is no ſuch alienation in this matter, I have already ſhown. And real compoſitions leave real charges upon the land, out of which the tithes ariſe, and therefore can take place only in predial or mixed tithes, but never in perſonal tithes, becauſe they ariſing out of the gains of perſonal labour, are paid only in reſpect of the perſons, and cannot be charged otherwiſe, but upon the perſons. And altho' in this award, the perſonal tithes are ſettled according to the rents of houſes, as being the beſt ſtanding meaſure whereby this matter is capable of being adjusted, yet the charge is not upon the houſes, but only upon the inhabitants dwelling in them, as I have already ſaid.

And thus far having ſhewn that the people and miniſters of any town or city can make ſuch an agreement for their perſonal tithes, as ſhall hold good in law; it remains that I ſhew, that the agreement ſettled in this award was ſo made. For if they can themſelves make an agreement about this matter, moſt certainly they can alſo by joint conſent refer it to another by way of arbitration to make it for them. And ſo it was that the agreement was made in this preſent award. For it was not the effect of the exorbitant power of the privy council, (as the complaint in thoſe days was) or a meer act of the King's paramount authority and good pleaſure, but that which he was fully authorized to by the conſent and compromise of both parties concerned, who did by their petition to his majeſty voluntarily and freely ſubmit it to his arbitration, and humbly prayed him to determine the matter between them, as appears by the ſubmiſſions of both of the ſaid parties inſerted

ed in the patent of award, and upon this consent and compromise is the determination founded that is made therein. And therefore nothing is done hereby, but what had been good and valid, had they chosen any other person for their arbitrator; and how much more then must it be so, when it hath the King's majesty, the supreme head of the church, as well as the supreme lord of the land (who hath the highest care and the highest power in such matters) by his royal determination to give authority thereto?

But if after all this it be said, That it is above the power of arbitration to settle such a matter, be who will the arbitrator: I answer, that this very thing hath several times been settled by arbitration and award in the city of *London*, and why may it not then be done so by the same means in *Norwich*? What hath been done and submitted to as valid and lawful by that famous metropolis of the Britanick empire, the greatest and the richest city in the world, may certainly pass for such in any other town or city in the kingdom, and become a rule and a precedent for them also to follow after in the like case. For about the year * 1230, there being a controversy between the citizens of *London* and their parochial clergy about the payment of their personal tithes, they referred the matter to the determination of *Roger Niger*, then newly made bishop of *London*: And he having ordered, that for those tithes every householder should on every Sunday and festival, and on all saints days, whose eves were fasted, offer a farthing of every ten shillings of the annual rent of the houses in which they dwelt; this was submitted to, and exactly observed without any contradiction, or further controversy about it, for near 170 years, that is, 'till the year 1397. And when about that time (the rents of houses then beginning to increase,

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* Book of the Common Customs of *London*, fol. 18. Abstract of a Treatise concerning the Payment of Tithes and Oblations in *London*, p. 2.

on the change that was then made in the value of money) a new dispute arose on the citizens refusing to pay for what exceeded forty shillings per annum in the rent of the houses, on pretence that it was not intended by *Roger Niger's* constitution, that any thing should be paid for what exceeded that sum in the said rents. This matter was determined by * *Thomas Arundel*, Archbishop of *Canterbury*, and it became settled by his determination, that they should pay the said offerings out of every ten shillings of their rent, to what sum soever the said rent should amount. It seems 'till then forty shillings per ann. was the highest that any house in *London* was rented at, which was by reason of the greater value that was then upon money, (a shilling in those times being worth more than a guinea is now.) And when the change that happened in this value, altered the rents of houses, because it had seldom been known, that any had paid for above forty shillings annual rent before (scarce any rent before exceeding that sum) they laid hold on this for a pretence, that no offerings were to be made for any sum beyond it in the said rents. For the said decree of *Roger Niger* having expressed in particular, that on all those Sundays and holy-days, a farthing should be paid of every ten shillings rent, an halfpenny of every twenty shillings rent, three farthings of every thirty shillings rent, and a penny of every forty shillings rent, and there stopping the mention of particulars, did after that subjoin only in general, *Et sic ascensive pro rata pensionis ultra dictam summam quadriginta solidorum ad quantamcumq; summam pensio hujusmodi annua se extendat, offerre teneantur, prout hactenus longis retroactis temporibus, & tempore præscriptibili per parochianos ecclesiarum civitatis prædictæ offerre extitit consuetum.* The said citizens would from hence infer, that nothing was to be paid for what was
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* In *Registro Arundel*, fol. 1. Book of Common Customs. Abstract ibidem. *Antiquitates Ecclesiæ Britannicæ*, p. 271. Editionis *Hannovicensis*.

above the rent of forty shillings, but according to custom, and pleaded that there was no custom to pay any thing for what the rent exceeded that sum. But the Archbishop having settled the matter as above-mentioned, they acquiesced in his determination, and according thereto these offerings were constantly paid, without any contradiction, till the year 1453, when the citizens thinking that the clergy imposed on them in the great number of holy-days, on which, besides Sundays, they required the said offerings†, a new dispute arose about this, and after a long contest in the ecclesiastical courts, and appeals made to *Rome* about it, at length it was submitted to eight arbitrators to decide the matter; who by their § award, bearing date *December* the seventeenth, *anno Dom.* 1457, fixed those offerings at 52 Sundays, and 22 holy-days, which amounted to three shillings and a penny of the pound. And this award was agreed to, ratified and confirmed by the common council of the city. But within a few months afterwards, how it came to pass I know not, they § were made to receive the bull of Pope *Nicolas* the fifth, dated about four years before, which did set the rate at five-pence in the pound higher, that is, it appointed so many holy-days for these offerings besides Sundays, as made them amount to 3s. 6d. of the pound. And the city did, by act of common council, bind themselves to obey this bull, and according hereto these offerings were paid at the rate of 3s. and 6d. of the pound, without any opposition till the 25th year of King *Henry VIII.* i. e. *anno Dom.* 1533. But then the Pope's power being abrogated in *England*, || some citizens pretending, that they should incur a præmunire in obeying the Pope's bull, refused any longer to pay these offerings, and when prosecuted in

† See the Bull of Pope *Nicolas*, in the book of the Common Customs of *London*, fol. 19, &c.

‡ Book of the Common Customs of *London*. Abstract, p. 3.

§ Book of the Common Customs of *London*, and the Abstract, *ibidem*. — || Abstract, p. 5.

in the ecclesiastical courts for this refusal, they preferred a bill in the star chamber, against their clergy, that sued for them, and therein setting forth that other parishes without the liberties of *London* paid only two shillings of the pound, they prayed, that they might not be obliged to pay any more, in which suit after publication of evidences both parties submitted the cause to the arbitration of *Thomas Cranmer*, Lord Archbishop of *Canterbury*, *Thomas Lord Audley*, Lord Chancellor of *England*, *Stephen Gardiner*, Bishop of *Winchester*, *Thomas Cromwell*, Esq; Master of the King's Jewels, *Sir Thomas Fitz-James*, Chief Justice of the *King's Bench*, and *Sir Robert Norwich*, Chief Justice of the *Common-pleas*, who finding that the parochial clergy demanded three shillings and six-pence of the pound, as had been formerly paid by the bull of Pope *Nicolas* the Fifth, for fourscore years past, and that the citizens contended, that they might pay no more than two shillings of the pound, as other parishes without the liberties of *London* did, they did split the matter between them, and settled the rate at two shillings and nine-pence of the pound, which award the King ratified and commanded it to be observed by his ^{*} letters patent bearing date *April* the 2d, *Anno Regni* 25, i. e. *Anno Domini* 1534, and two years after it was confirmed by act of parliament, which is not printed in the statute books, but it may be seen on the parliament rolls, *Anno* 27 *Henrici Octavi*. But notwithstanding the citizens being still dissatisfied, they did in the 35th year of King *Henry* the VIIIth, i. e. *Anno Domini* 1543, raise new difficulties about new foundations, brewhouses, dye-houses, cranes, and other particulars, demanding deductions in respect of these, which would have much diminished the revenue of the clergy of *London*, as settled by the last Award. And to obtain their purpose they put up a bill in parliament, which passed the Commons, but

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* See the letters patents at large in the abstract, page 33, wherein the Award is recited and confirmed.

was cast out by the Lords. But the contest still continuing, for the full ending of it, at length an act passed *Anno 37 Henrici Octavi, i. e. Anno Domini 1545*, whereby the Lord Archbishop of *Canterbury*, with several other referees therein named, were authorized by their award to determine and finally settle all particulars then in controversy between the said citizens and clergy concerning this matter. And accordingly on the 24th of *February* in the same year they made their award, which is printed in the statute-books with that act, whereby they confirm the rate of 2s. and 9d. of the pound of all rents in *London* to be paid to the parochial clergy for their tithes. And according to the determination of this award the matter hath ever since stood, excepting only as to those parishes that were burnt by the dreadful fire of *London An. Dom. 1666*, concerning which, another order hath been made by act of parliament, as may be seen in the statutes of the 22d and 23d of King *Charles the IIId*, chap. 15.

And in the city of *Canterbury* at first the same rule was observed, as formerly in *London*, * and the like offerings of a farthing for every ten shillings of their rents on all sundays and holydays were there also made for their tithes, even as far down † as to the year 1457, but afterwards it came to the payment of ten pence of every *Noble*, that is two shillings and six pence of the pound. And according to this rule do they pay their tithes to their minister even to this day in all the parishes of that city, excepting only ‡ in the parish of *St. Andrew's*, where they pay somewhat more, that is, saith *Somners*, ten pence half-penny for every *Noble*, which comes to two shillings seven pence half-penny of the pound. But at the time of the making of this award for *Norwich*, two shillings and nine pence was there paid, as it is
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|| See the act anno 37. *H. 8. c. 12.*

* *Somner's Antiquities of Canterbury*, 4to. p. 348.

† *Somner's in Appendice Scriptura* 30. p. 470.

‡ *Somner's*, p. 348.

averred therein, and this hath no act of parliament to warrant it but owes its original and establishment only to the determinations and decrees made by the archbishops of that see, and yet notwithstanding it stands good in law, and no body disputes its validity on that account, but all there either pay their tithes according to this rule, or else are compelled by law, when they detain them.

And if the determinations of *Roger Niger*, bishop of *London*, and of *Thomas Arundell*, archbishop of *Canterbury*, and of the eight arbitrators *Anno Domini* 1457, could settle this matter in *London*, and the determinations of the archbishops of *Canterbury* could do the same in the city of *Canterbury*, why may not the determination and award of King *Charles* the first, that blessed martyr for our church, do the same in *Norwich*? especially since the matter was in so full a manner in all the legal forms submitted to him by all parties concerned. I say farther, if Pope *Nicolas* the fifth could settle those tithes in *London* at three shillings and six-pence of the pound, and his decree concerning this matter was for eighty years together admitted, executed and allowed as good in law, till another legal settlement of those tithes was made, why might not King *Charles* the first by a like decree settle two shillings of the pound in *Norwich*? for whatsoever power the popes of *Rome* where formerly allowed to exercise in this realm hath ever since the abolition of their jurisdiction here been by the statutes of the land vested in the king, and therefore if the pope could do this before that abolition, most certainly the king can do it ever since.

But against all this it will be objected, that the two awards made by King *Henry* the VIIIth concerning this matter, were both thought necessary to be confirmed by act of parliament, in manner as is above related. And therefore if those awards could not be good for *London* without such a confirmation, neither can this of King *Charles* the Ist be good for

Norwich, without being confirmed in the same manner.

To this I answer, that the case, as to these two awards of King *Henry* the VIIIth, was quite different from that now before us; there being as to both those awards a reason in them for such a confirmation, to make them valid and good in law, which is not in this award of King *Charles* the Ist for the city of *Norwich*.

For to begin with the first of them, that which was awarded in the 25th year of King *Henry* the VIIIth, it was not made originally to settle any manner of tithing between the clergy and citizens of *London*, for the payment of their personal tithes, which might always have been done, either by the parties themselves, or the award of arbitrators, to whom it should be submitted (and none of those *modi decimandi*, which are now in being, were ever made otherwise) but it was to unsettle and take away what had formerly by good law been fully settled. And since no legal right can be taken away without a law made of purpose for it, for this reason was it that the said act was made to confirm that award. In favour of the citizens of *London*, that award had brought down the three shillings and six-pence of the pound, which had been formerly paid, and legally settled, to two shillings and nine-pence of the pound, which being of great advantage to the said citizens, to secure it to them against all future claims and resumptions of the clergy, they procured this act of parliament for the confirmation of it. In the former award of the eight arbitrators, it had been brought down to three shillings and a penny of the pound, but not long after they were forced to receive the bull of Pope *Nicolas* the Vth, and by virtue thereof, to pay as formerly: and therefore, to exclude the clergy from any such future resumptions of their former right, and pin them down irrevocably to the two shillings and nine-pence of the pound (which was all that was allowed them by this
award

award of the 25th of King *Henry* the VIIIth), this act of parliament was obtained to confirm it. So the end of it was not to confirm to the clergy any settlement of their dues, but to confirm to the citizens of *London* that abatement of them, which was by that award granted unto them. The dues of the clergy of *London* had been before sufficiently secured and established by many decrees anciently made, and long usage thereupon had, and therefore they needed no new law for their establishment. But these dues having been diminished by this award, and nine-pence taken away out of every three and six-pence, which was before legally settled, this was such an alteration in the former law as could not be valid without a new law to give authority thereto, and therefore, to confirm this alteration, and secure to the citizens of *London* the advantage they had gotten by it, an act of parliament was absolutely necessary; and for this reason only was it that it was obtained. But our case at *Norwich* being quite otherwise, the precedent doth not here hold. Had there been in this city any such manner appointed and established by law, before the award of King *Charles* the Ist, as there was in *London*, before this award of King *Henry* the VIIIth, for the payment of their personal tithes, it must be acknowledged such a legal establishment could not, without a new law, have been altered, but an act of parliament must have been obtained for it, be who will the arbitrator, that had awarded it. But when there is nothing settled but the personal tithes, which are due in all places of trade, by the general law of the land, and concerning these a difficulty and dispute ariseth about the manner only how they shall be paid, that is, how much the tradesmen will confess of their personal tithes (which is the only way they can be had, now the oath for discovering them is taken away), and how much the clergy will be contented to accept: certainly this may be agreed and compounded, either by the parties themselves, or else by an arbitrator,

trator, whom they shall think fit to submit the matter to, without any need of an act of parliament to confirm the award. And this is exactly the case at *Norwich*. Personal tithes are here due, as well as in all other cities and towns of trade in this realm. The manner how they shall be paid, now the oath for discovering them is taken away, was the only thing in dispute. This both parties agreed to refer to King *Charles* the Ist, and bound themselves to abide by his determination: and hereon, after full examination had of the matter, he did, by the advice of his council, make this award. And since thereby no former law is altered, or any new tax imposed, but only a method and manner settled how the citizens of *Norwich* should pay their personal tithes, an old and undoubted right, that is, after the rate of two shillings of the pound out of the rents of their houses; certainly there can be no need of a new law to confirm that, wherein no alteration of law is made.

And as to the other award of the 37th of King *Henry* the VIIIth, the same is to be said as of the former. It was not intended for the settlement of any thing on the behalf of the clergy, but to unsettle and take from them what had been by good law before established; and such an alteration of law not being good without a law of purpose for it, for this reason was it that the act of parliament was obtained, which gave warrant thereto, not by the clergy of *London*, but solely at the petition, and in the behalf of the citizens, who were to have the benefit of it. They had gotten a great abatement by the former award, but not being content therewith, they insisted on several preferences to have more, and in order hereto preferred a bill in parliament, but that not succeeding, the matter was referred by the consent of both parties to several Lords of the council to be ended between them by their arbitration and award. And after this submission was made, the citizens to make those advantages sure to them,
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which they hoped to obtain by it, procured an act of parliament to warrant and make valid in law, whatsoever should be determined hereon. For the dues of the clergy in *London* having been before firmly settled by law, nothing that had not the force of a law could make any abatement or diminution from them.

And this being the whole reason why both these acts were obtained to confirm and make good those awards for the city of *London*; from hence nothing can be argued to prove any necessity for a like act of parliament to confirm this award for the city of *Norwich*, the case being quite otherwise. For here no old law is altered, nor any new one imposed, but only a judicial determination made of a difficulty and dispute arising about the execution of a law for the payment of personal tithes, which had been long established, and therefore there was no need of interposing the legislative authority in this matter, the judicial alone being sufficient for it. For what King *Charles* the First did herein was no more than a meer act of judicature upon laws before made. That he did it in his privy council, he was sufficiently authorized by the submission of both parties; and had he done it in his legal courts, he would have been sufficiently authorized by his regal sovereignty. For there doth not a term pass, in which decrees are not made both in *Chancery*, and the equity part of the Exchequer, which in point of authority do altogether as much. From the whole of what hath been said of this affair as to *London*, these following observations may be made.

1st, That as often as this matter hath been meddled with in that city, it hath always been referred to be determined by an award, as well when done by act of parliament as when without it, which sheweth that this was always thought the properest way, whereby to settle it.

2dly, That none of those awards, which settled the manner of paying those personal tithes in *London*,
were

were ever confirmed by act of parliament, but only those which diminished and took away from that which was formerly settled, which proveth that such a manner of paying those tithes may be agreed and settled according to the rents of houses or otherwise, and hold good in law without an act of parliament to confirm it, and when once settled cannot be overthrown or altered but by an act of parliament.

3dly, Since an act of parliament was always thought necessary, as often as any alteration was made in the settled manner of paying those tithes in *London*, altho' those settlements were all made only by awards without any such acts; this must necessarily argue, that those awards were good and valid in law, otherwise it would not have been thought necessary to make a new law of purpose to alter them. And if they were good and valid in law for the city of *London* in this matter, why may not the like award made for the city of *Norwich* be good in law also? From hence it may rather be argued, that such an award may be made and hold good in law, though never confirmed by any act of parliament; but that, when made, it cannot be taken away without one.

And thus far having endeavoured in justification of this award, to prove the legality of it, it remains that I vindicate the justness and reasonableness of it; in order whereto I shall shew, 1st, That it is just and reasonable that personal tithes be paid in cities and towns, as well as predial and mixed tithes in country parishes; and then secondly, That the payment of them according to this award is in respect of the tradesman very reasonably and moderately stated.

1st, It is just and reasonable, that personal tithes should be paid in cities and towns, as well as predial and mixed tithes in country parishes, because otherwise there will be no established settlement at all in such places for the maintaining of God's ministers to support his worship. For in them for the most part there are neither predial nor mixed tithes,
and

and therefore if personal tithes be not there paid, there will be nothing at all for the carrying on of this great end, which the worst of heathens never yet absolutely neglected. For even among them nature was never so far corrupted but that they preserved some notions of a God, and of the duty incumbent on them to worship and adore before him, and therefore in all places they provided for it in maintaining priests, and temples, and altars for this purpose. For the light of nature, which directed them to the worship of God, dictated to them also the providing of persons and things in order to the performing of it. And if we do not utterly cast off the worship of God, we must do so too. That a sufficient maintenance be provided in all places for God's ministers, is by all acknowledged to be a divine law. The law of nature, which is written by the finger of the Creator himself in the hearts of all of us, in that it dictates unto us the worship of God, must necessarily dictate this too as the means in order thereto, and and the gospel * often commands it. And therefore, altho' many have denied the divine right of a tenth part, yet none that have owned the name of *Christians*, (except only the wild sect of the *Quakers*, as hath been aforesaid) have ever yet denied the divine right of a sufficient maintenance. And doth it not then unavoidably follow, that wheresoever such a maintenance is not provided, there the inhabitants of the place all live in a constant breach of a divine law?

And where there are no predial or mixed tithes, how can this maintenance be better settled than by personal tithes out of the gains which each man makes by the trade which he follows? For since the gain of the shop and the warehouse, as well as the products of the field, are all the fruits of God's blessing, what is more reasonable than that he should have a tribute out of the one as well as out

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* 1 Cor. ix. 13, 14. Gal. vi. 6. 1 Tim. v. 17, 18.

of the other, for the support of his worship, that so continual praise may be rendered to our great benefactor, who gives us all that we are or have? Is God only to be worshipped in country villages, and not in towns and cities, that tithes, should be paid for the support of his worship only in the former, and not in the latter? Or do the gains of the shop and the warehouse come so much harder than the gains of the field, that the one should be excused more than the other? Is not the countryman up early and late, abroad in all weathers, and in all seasons, and in hard labour, consumed by the drought in summer, and the frosts and the rains in winter, while the tradesman sits at home in his shop or counting-room, secure and safe from all such hardships, and there (with much less labour) gets his pounds where the other gets his shillings? And will it be reasonable then, that the countryman should be laid a full tenth of his income for the public service of God, and the other nothing at all? In all such public payments to make them easy and just, an equality ought to be observed, and none be made to pay less than other, much less any be excused from paying any thing at all. And yet if personal tithes be not paid, those will be excused, who are best able to pay. For who are better able to do this, than the tradesmen that live in cities and towns? Have not they all the wealth and money of the nation in their hands? Do not they live in the greatest plenty, and get their estates with the greatest ease? And can it be just and equal then, that when the poor countryman pays his full tithes, those should be allowed to pay none at all.

All that can be said in answer hereto is, that the gains of the countryman are the product of the field, but the gains of trade are all the product of the personal pains and labour of the tradesman, and that therefore there is a reason for the one which is not for the other, otherwise when God commanded the payment of the tithes of the field in the *Levitical* law,
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he would not have omitted the commanding of the like payment out of trade also, but there were no such personal tithes under the *Levitical* law, as hath been afore acknowledged. To this I reply,

1st, That though the distinction of personal and predial tithes is founded in this, that the one is from the field, and the other from the personal pains and labour of men; yet if no tithes be called predial, but what are merely from the ground, and all personal that are from the labour of men, there will be no such thing as predial tithes at all. For if Mr. *Locke's* computation be right, there is that great disproportion between the ground, when in its natural state, and when improved by man's labour,* that of all the products of the field, ninety-nine parts in an hundred are owing to the labour of men, and the hundredth part only to the natural soil, and for that part the seed that is sown for the crop doth more than make a quadruple amends. And therefore, strictly speaking, the countryman's gains are as much from personal pains and labour as the others; and consequently, if this be a reason to excuse from the payment of tithes in towns and cities, it will be as good a reason to excuse from the payment of them in the country too, and then there will be none paid at all.

That there were no personal tithes paid under the *Levitical* law cannot argue that therefore there should none be paid now, the case being quite different. For the reasons why no such tithes were then paid, were, 1st, Because there were then none to pay; and 2dly, Because if there had, there was no need of them. And 1st, There were no personal tithes then to pay: for the *Jews* being forbid, while they dwelt in their own land, to hold any converse with those of other nations, lest they should be seduced by them to idolatry, none of them did then live by

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trade

* Essay concerning the true original and extent of government, chap. 5.

trade or traffick; but each man had his share in the land, which he cultivated, and thereby maintained himself and family, and of that paid also his tithes. That there were among them smiths, and carpenters, and other such mechanicks for the necessary uses of life, cannot be denied, for we read of them in the scriptures, but the gains of those trades among them were only as the wages of the day-labourers, which being daily spent in the necessaries of life, for the support of those that earned them, left none or very little clear profits over for any such personal tithes to be paid out of them, and therefore then there could be none such among them. And if there could, 2dly, There was in that œconomy no need of them: for the use which tithes were applied to under the *Jewish* state, was only to support the temple and temple service, and maintain the Priests and Levites, who officiated therein, for which purpose those tithes being equally distributed among them, all had a sufficient maintenance, and the service of God, as long as they were duly paid, never suffered through want of what was necessary to support it. But the case with us is quite otherwise: for we are a trading people, and the best part of the wealth of the nation consists in the gains that arise thereby. And can it then be reasonable, that the whole burden for the maintaining of those, that minister in holy things, should be cast upon the product of the land only, which is the lesser part of our wealth, and the other, that is the product of trade, which is much the greater, go wholly free? And if this part be permitted thus to go free, and no such personal tithes be paid out of it, how much the honour of God, and the interest of religion must be prejudiced hereby, the great damage, which hath been done to both in many places of this kingdom through the want of these tithes, since the legal remedy for their recovery hath been taken away, doth abundantly demonstrate. For there is as much need of those tithes for the support of the honour of God
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and his holy religion among us, as there is for the other : personal tithes being as necessary for this purpose in cities and towns, as predial and mixed tithes are in the country. For our tithes do not all go to the maintaining of one temple only, as they did among the *Jews*, nor are they all in common equally to be divided among all, that officiate in the divine service throughout the whole nation, as it was with them, but we have in this land ten thousand temples, and each of them have separately and apart appropriated to them the tithes of the place or parish, in which they stand, for the maintaining of those who officiate in them. And since in many of those places or parishes among us there do no predial or mixed tithes arise, if personal tithes be not paid in such, there will be no tithes at all in those places for the maintaining of God's ministers, and the support of his honour and worship in them ; and this sufficiently shews how much need we have of this sort of tithes in our constitution, though the *Jews* had no need of them in theirs. And although for these reasons we have no precedent from them for the payment of this sort of tithes, yet this can make nothing against them, since we have a much earlier one for them in the first instance of the payment of tithes, which we meet with in holy writ. For those tithes which *Abraham* paid *Melchisedec*, the priest of the most High God, after his victory over the four kings, were personal tithes ; for they were neither of the field, nor of the flock, but of the gains which were gotten by the labour and success of war. And since the christian priesthood is formed according to the order of *Melchisedec**, and not according to that of *Aaron*, which is now abolished and done away ; certainly a precedent from the former ought to be of as great force with us for this sort of tithes, as a precedent from the latter for the other.

It will be said, that though personal tithes be not
now

* Heb. v. 6 chap. vii. 11, 12, &c.

now paid in cities and towns, as formerly before the statute of King *Edward* the sixth took away the means of recovering them, yet voluntary contributions are made in their stead, and these do as well. To this I answer, that they are so far from doing as well, that of all the ways whereby provision hath been made for the ministers of religion, this is certainly the worst, especially as now practised among us. For these voluntary contributions do mostly fall very much short of a competency, are liable to great abuses, are very prejudicial both to church and state, and are paid with great inequality: and therefore they do by no means compensate for the subtraction of those personal tithes, or do in any measure answer the end for which they were appointed, but do often become the cause of obstructing that end, by promoting heresy, schism, and disorder, instead of the true worship and honour of God, and introducing a contempt and neglect of religion, instead of propagating and advancing it, as shall particularly be shewn under the heads I have mentioned.

And 1st, These voluntary contributions do fall very much short of a competency; and how much they do so in this city of *Norwich*, will best be shewn by laying before you, what they did here amount to in the year 1677, when they were at the highest. At that time an account was taken of what the certain endowments, and what the arbitrary contributions in every parish arose to, and by this account it appears, that *twelve* of these parishes were under the value of 20l. per annum, and all but *seven* under 30l. and of those *seven*, but *two* only † can be said to be a tolerable competency for a minister in such a city, and how long these shall be so, depends wholly upon the will and pleasure of the inhabitants. And the case is the same in most of the other cities, and larger towns of the kingdom. And that such mean allowances can be called competences,

† St. *Peter's* of *Mancroft*, and St. *Andrew's*.

petencies, or sufficient maintenances for a minister, especially in great towns and cities, where the cures are more laborious, and the charges of living much greater, is what those, who are the most maliciously bent for the keeping of the clergy low, can scarce have the confidence to say : for what is a competency in this case, must be estimated with respect, first, To the minister, who is to be maintained ; 2dly, To the honour and interest of religion, which is to be supported and promoted by him ; 3dly, To the poor, who are to be comforted, and relieved by his charity ; 4thly, To the people, who are to be instructed, and taken care of by him ; and 5thly, To the charges of living, which he must be at in the place where he is called. And when the minister's maintenance is sufficient for all these purposes, then only is it, that it can be said to be a competency for him.

And, 1st, In respect to the minister, it must be sufficient to maintain him in a manner suitable to his education and profession. For the education of a minister is very chargeable, and therefore if the maintenance afterwards doth not in some measure answer it, who will breed up their children for the employment ? Were ministers no better provided for elsewhere, than they are for the most part in the great towns and cities of *England*, the profession would soon be deserted, and the ministry of the gospel must descend like *Jeroboam's* priesthood, to the meanest of the people. We have an instance of this already in *Wales* ; where to read and to write are in many places all the qualifications required for a minister, because the maintenance is so low, as not to deserve any better. For where men can make a better livelihood at mechanic trades, (which cost them nothing, but a seven years apprenticeship to learn them) than they can by the ministry, who will be at the charges of a learned education to qualify themselves for it ? And what mechanic is there in the city of *Norwich*, (and so I suppose it is in other places,

places, where arbitrary contribution only is the maintenance) who is not better paid than the minister? Which of them is there, that cannot earn his ten shillings a week, that doth with any tolerable industry follow his employment? This is the common wages of the carpenter and the mason, the thatcher and the tiler; and yet putting all these parishes together, and equally dividing their income, as above stated, according to their number, there will be but ten shillings a week for every minister, that serves them, and one penny over. The education for the profession of a minister is also to be considered; for it is not a mechanic, but a learned profession that he is of, and all professions of learning have ever been esteemed honourable, and for such an honourable maintenance ought to be provided. The three learned professions with us, are divinity, law, and physick; and divinity being the first in place and dignity, how hard is it, that it should be depressed so far below the lowest in maintenance, and the way of living, as we too often find it to be? And that when the lawyer and the physician are encouraged with such large rewards, as often do raise them large fortunes for themselves and their families, the divine, from whose ministry depends our highest interest, should want what is sufficient to support him in his function: certainly where there is wanting what is sufficient to support him in such a manner as shall be suitable to his education, and suitable to the honour and dignity of his profession, there his maintenance can by no means be said to be competent for him.

2. In respect to the honour and interest of religion, the maintenance of a minister, in order to a competency, ought to be such, as will sufficiently enable him to support and promote it. For this is the end of his office, and the reason of his appointment to it, and for this end and reason only is it, that the law of God doth require, that a maintenance be allowed unto him, and therefore it ought to be
such,

such as will put him in a condition to answer this reason, and fully come up to this end, in the discharge of the office, which he is called unto. And as far as it falls short of this, so far it must also fall short of that competency, which is his due, and of the law of God, which commands it to be given unto him. Now to put a minister into such a condition, as may fully enable him to support and promote our holy christian religion according to the duties of his office in the station, where he is called, besides abilities of learning and knowledge, (which I shall speak to by and by) it is also necessary, 1st, That he maintain and hold up such a figure in the way and manner of his living, as shall be agreeable to the honour and dignity of his function; 2dly, That he have a spirit and vigour of mind suitable to his work; and 3dly, That he keep up such an authority among his people, as may make his ministry effectual unto them for their everlasting salvation. For if he doth not live up to the dignity of his function, and have a spirit suitable to the work thereof, he will never be able to discharge the duties of it as he ought; and though he should, yet still if he have no authority among his people, it will be all to no end and purpose. And therefore to enable him fully to answer the end of his ministry, and the reason of his appointment to it, all these are absolutely necessary for him, and without a competency to support him with sufficiency and credit in his station, it is scarce possible he can have any one of them.

For 1st, As to the dignity of his function, he is sent an ambassador of God to bring the messages of life and salvation unto the sons of men; and if he be not maintained in a condition suitable to his character, both his conduct and his credit will soon sink beneath it, and this must necessarily expose him to neglect and contempt among those to whom he is sent. And when a minister once becomes neglected and contemned by his people, this too often operates to the making of religion itself for his sake to

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become

become neglected and contemned also. And if we should make an impartial scrutiny into the causes that have brought this lamentable decay upon our holy christian religion, which is now so visible among us in this land, I reckon that contempt which is cast upon our ministers, by reason of the low and mean circumstances of life, which through the appropriating of predial tithes, and the substracting of personal, the growing of customs and *modi decimandi*, the prevailing of simony, the exacting of bonds of resignation, and other such hardships, which the greater part of them are now reduced unto, will be found to have been the most prevalent of all to work this impious and deplorable effect among us. It is reckoned one of the greatest hardships of poverty that it makes men ridiculous, but it never doth more so, than when joined with a great character. For a great character and a mean figure, when put together, must necessarily make a very awkward and ridiculous appearance; and if the ministers of the gospel can make their appearance among their people in no other dress but such an one as this, neither the character they are under, nor the qualifications of their persons, how eminent soever, will be able to protect them from their contempt, but they must unavoidably, in this case, soon grow to be mean and despicable in their eyes. And when the teachers and ministers of religion are brought down to so low an esteem, it is the readiest way to sink the whole work and business, on which they are sent, as low also, and make even religion itself to be contemptible among them, for the sake of those that teach it. For in this case men do not always separate the persons from the work and profession, in which they are employed; but if they once come to condemn the persons of their ministers, the next step usually is to neglect and despise all the duties and doctrines of our holy christian religion which are taught by them; and too many are the instances which we have hereof in this prophane and
atheistical

atheistical age in which we live. And although this extremity of ill effect doth not always follow herefrom, yet I think it may be said by undeniable experience, that it is always in some degree found, wherever there is this cause to produce it, and that it scarce ever happens but that where the ministers are out of credit and esteem among their people, it detracts something from the credit and esteem of the religion itself, in which they officiate, and wherever that sinks in its credit and esteem, there its influence and its interest must unavoidably sink also, and fall into decay. And this is a consequence which the ancient fathers of the church were sufficiently aware of; and therefore to secure the honour and respect which is due unto our holy christian religion, from suffering any thing from the persons that minister in it, nothing was more their care than to provide, that none should be admitted into the ministry, who lay under any defect, either moral or natural, that might expose them to contempt, well knowing that the contempt of the minister too often draws after it a contempt upon the religion itself in which he officiates. And this is the reason we have so many canons in the ancient codes of the church, which exclude from the sacred function not only those who have upon them the blot of any past notorious crime, but also all others, who are under any other circumstances that may provoke contempt, or bring any disgrace to their persons, how innocent soever they may be from all manner of guilt, as to the causes from whence they proceeded. But what need all this care, if ministers be not at the same time preserved from poverty, which doth more expose them to contempt, scorn, and disesteem, than all these put together? And therefore that maintenance which falls short of doing this, cannot answer the end of its appointment, or can be that competency which is necessary to be allotted unto them.

And 2dly, There is as much need that their spirits and vigour of mind be kept up, as well as their cre-

dit and reputation. For they have a great work to do, which without a vigorous mind they will never be able to go thorough with success. They are to teach, to exhort, to admonish, and to rebuke. They are to reform men's exorbitant passions, and lead them by doctrines, which thwart their strongest inclinations, and carry them counter to their most beloved affections and desires; and to do this needs a strong vigour of mind, a firm resolution, and such a courage and steadiness in the duty, as must not be over-born by the fear or affection of any one in the discharge of it. But how can they do this who are oppressed with poverty, and disheartened and dispirited by a low and miserable maintenance? In this case they cannot appear in a mien, or put on an outward presence fit for such a work, or can they have that courage and resolution of mind, which is necessary to perform it. For poverty usually sinks men to a meanness of spirit and extinguisheth all that is generous in them; it blunts and spoils the best parts, turneth the edge of the sharpest wits, and takes from learning itself its efficacy, and its power, and reduceth men to mean thoughts, as well as necessitates them to the doing of mean and base things; and often makes such, whom nature hath qualified for every thing, to become, by a vile depravation of all that is within them, too mean for any thing. And if you put ministers into this state, it will certainly have the same effect upon them, and they will be soon sunk thereby below their function, and their work, and be left without heart, courage, or abilities to perform any of the duties of it as they ought. And many there are by this means who have been render'd unfit for the discharging of them, who otherwise might have proved useful and able ministers in the church of God, and great is the damage which religion hath suffered hereby in this land.

3dly, As it is necessary that a minister be maintained in credit and honour, and have a spirit and vigour of mind suitable to his work, so also is it,
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that he have authority among his people to make his ministry effectual among them, otherwise he will be neither heard when he instructeth, or be regarded when he exhorteth, admonisheth, or rebukes, but all that he doth will come to nothing, or be to no end or purpose among them. For when poverty hath sunk his credit and reputation below his function, and made him contemptible, and the want of the necessaries of life hath depressed his mind below the work of his ministry, and the power and courage of duly exerting of his parts therein, how is it possible that such an one can have any authority among his people, to influence them in any thing they do? To instruct, direct, admonish, exhort, and rebuke, which are the duties of a minister, require something of superiority in him that doth it, but the people will never look on him as a superior, or treat him as such, whom poverty hath brought down to the same level with the meanest among them; so that he can neither make an appearance which suits with authority, or put on a spirit that can either claim it, or exert it. Among the generality of men, riches, and the power which those give, are looked on as the only standard of honour and esteem, and are the main foundation of all that authority and influence which one man hath over another in this world. And therefore if a minister hath not also something of this in the station where he is placed, he will neither be attended to, nor regarded in any of the duties of his ministry, but the contempt of his person will draw after it a contempt of his doctrine, and of his instructions among his people, and all that he shall say unto them, being without influence or authority, will be of no effect for the benefit of our holy christian religion, which he is sent to promote, and consequently the whole of his mission must necessarily, through this defect, miscarry and come to nothing.

And therefore it being made thus evident, that a minister cannot discharge his duty with that success
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which is necessary for the answering of the end of his mission, unless he be maintained with that honour and credit, which is suitable to the dignity of his function, and be in spirit and vigour of mind kept up to the greatness of his work, and have an authority among his people to be heard and regarded by them; that maintenance, which is not sufficient for all this, cannot promote that work, and consequently cannot answer that end for which it was appointed, and therefore can never be reckoned a sufficient competency for him.

3dly, A competency for a minister is to be estimated with respect to the poor, who are to be comforted and supported by him. For to take care of the poor was the original reason of the first orders he was admitted to, and he is not discharged of it by being made a presbyter. And in this land, till the statute of the 43d of *Queen Elizabeth* appointed special overseers of the poor, they were in every parish under the care of the minister, who having under him his church-wardens for his assistants in this matter, did, with them, out of the poor's box, the alms of religious houses, the offerings of the people, the legacies of the dead, and what other funds of charity they could procure, provide for all the poor within their respective cures. And although they are now by the statute of the land eased in a great measure of this burden, yet they are not of the duty of charitably relieving those that want it. For charity being a principal duty of our holy christian religion, which all ministers are to preach to their people, and excite them to; they ought also to be an example to them herein, and it is generally expected in every place, that the minister should be the most charitable man in his parish; and that as in all other duties, so especially in this, he be the most exemplary among them. And accordingly upon presumption that he is so, whenever any poor person wants relief, he is usually the first, that is applied to for it, and it exposeth him to reproach and hard censure,

sure, and his ministry suffers hereby, in its credit, influence, and authority, if he be not the most forward, and the most liberal in giving upon all such occasions. And often on his visiting the sick poor, he will find such miserable objects, and such craving reasons for their relief, which without being void of all bowels of compassion, as well as of all christian charity, he will never be able to resist. And therefore that maintenance, which is not ample enough to supply him for this, as well as for all other occasions, cannot be that competency, which is to be provided for him.

4. A competency for a minister is to be estimated with respect to the people, who are to be instructed and taken care of by him, and according as they need higher instructions, and a greater care (as they do in some places more than in others) so ought there to be a larger and more honourable maintenance provided for him to encourage his labour herein, and reward those abilities, which are necessary for it. In order to teach and instruct the people in the doctrines and duties of our holy christian religion, there must be a sufficiency of learning and knowledge in the teacher; and to take that care of them, which he ought, in guiding them in the truth, and protecting, and defending them against all those who would pervert them from it, he must fully know, where the strength of every erroneous doctrine lies, and be furnished with all such arguments and answers, both from scripture and reason, as shall be sufficient to refel and refute it. For without being himself a thorough master of all that knowledge, which he delivers as a teacher, he can never well instruct others in it, and without being thus sufficiently armed for the subduing of every error, he will never be able to maintain the truths of our holy christian religion against all that will oppose them, or be able long to keep his people in the profession of them: And to render a man thus able for the ministry, and make him a thorough and compleat divine, fully qualified
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for all the duties and offices of his function, these following particulars are required: 1st, That he have well digested in his mind, a full and thorough body of divinity. 2dly, That he do well understand the holy scriptures, and be able out of them to maintain and defend all the divine truths of our holy christian religion, and answer and refute all objections and false glosses that may be raised against them. 3dly, That he well understand all the modern controversies; what it is that the *Atheist*, the *Deist*, the *Jew*, and the *Socinian* say against our holy christian religion, and what it is that the *Papists*, and the *Presbyterian*, the *Anabaptist*, the *Quaker*, and the *Independent*, object against it, as reformed and established in our church, and be able to give proper answers thereto. 4thly, That he understand the constitution of the primitive church, and be well versed in ecclesiastical history. 5thly, That he be well skill'd in cases of conscience, and able safely to guide all such as shall come unto him to be directed herein. And 6thly, That he be master of logick, to argue clearly and methodically in all his discourses; and also of rhetorick, to express every thing he delivers to the best advantage. I acknowledge there is not so great a necessity for an eminent proficiency in all these in every country village, because in such there will not be so great a use of them. And therefore as in many of these a lesser portion of learning may be enough for the work, so a lesser maintenance in proportion hereto may there suffice. But in cities and larger towns, the case is quite otherwise. For here they are not only the greater number of souls, that are to be taken care of, but here also they will need the greater care to be taken of them: for in such places mostly do the heretick, and the schismatick abound; and hither usually is the greatest resort of those wolves, who make it their constant business to devour the flock of Christ; and here the idle libertine, and the lewd debauchee, mostly make their rendezvous, for the promoting of vice, disorder,

der, and all manner of licentiousness; and here also are the most of those to be found, who indulge the wild fancies of *Atheism*, *Deism*, *Socinianism*, and such other impieties, as this age is now too fertile of. And to oppose all these errors, corruptions, and impieties, and keep the flock of Christ, which is among us, from being tainted and poisoned by them, as it will need the greater pains and vigilancy in the minister to be exerted and employed herein, so also will it the greater skill and proficiency in learning and knowledge to enable him to do it. Upon all these considerations, in all such cities and larger towns, the ablest and most learned ministers ought to be placed, because in them religion will always stand in need of the best and ablest performances of the ministerial function to support and promote it; and all the parts of learning and knowledge which I have above-mentioned, will often here be necessary in the minister in order hereto. But for a minister to furnish himself with all this learning, and make himself master of all this knowledge, will require a great deal of hard pains, labour and study in the acquisition of it, and also cost him as great an expence of time and money, while he is making his progress in it. And certainly all these pains, labour and study ought to have their full reward, and all this expence a suitable compensation made for it. And therefore in all such cities and larger towns, where to answer the needs of those cures, there ought to be ministers of the best abilities of learning, knowledge and parts, that maintenance for them, which is not sufficient to reward all that labour, pains and study, and compensate for all that expence of time and money, whereby those abilities are acquired, in proportion to the need that in every such place there is of them, cannot be a competency sufficient for them. And in such places the labours of the cures by reason of the largeness of the flock are as great, as the labours of the study to acquire abilities for them. For here more people are to be watched over, more sick visited, greater pains to be

taken in preaching, and more work to be done in every other office of the ministerial function, than in country parishes, and therefore here certainly a better maintenance ought to be provided for the reward hereof. But it may be here objected, that all that are placed in such cures, are not thus learned and able. To which I answer, I do not argue from what they are, but from what they ought to be in all such places, and which I doubt not most of them would be, were there encouragements sufficient for them. For that there are not in all such places ministers so able and learned, as the number and quality of the people, and the needs of their souls may there require, is mostly owing to the poor and mean pittances, which their maintenance is now, by the alienating of predial tithes, and the subtracting of personal tithes, in most of those cures reduced to, which are by no means a reward for learning, or can afford any tolerable subsistence for men, that are in any measure endowed with it. And the lamentable effects hereof we find in the many heresies, schisms, and errors, and other apostacies from truth and righteousness, which now prevail among us. For all these have had their births in our cities and larger towns, and from thence have now, like a deluge of misery and iniquity, in a woful manner overflowed the whole land. Had we had able shepherds in all such places to watch over their flocks, all this evil might have been prevented. For such would have been able to have kept them from going astray, would have had antidotes ready to expel every poison of error administered unto them, and would have cured every such contagion in its first beginning, and never have suffered it in such a manner, as we now see, to have spread its infection through all parts of the nation. But how can we expect that men, endowed with such abilities of learning, knowledge and parts, will bestow their labours, where there is no reward for their merit, or any provision to maintain them in a manner suitable thereto? And how insufficient for this the minister's portion is in those cities

cities and towns where it is raised by the voluntary contributions of the people, we are content to leave it to any one to judge. Those who are men of higher merit and abilities, have reason to expect higher encouragements and rewards, where-ever they are employed; and therefore if the circumstances and condition of such larger and more populous cures do infer a necessity (as I think I have abundantly shewn that they do) that men of such eminency only should be employed in them, they prove also a necessity, that a maintenance suitable to their worth should be there provided for them

5. A competency for a minister is to be estimated with respect to the charges of living, which he must be at in the place, where he is called. For in some places men may live much cheaper than they can in others; and where the maintenance will cost less, there less will suffice to be allowed for it, and where it will cost more, there the allotment must be made in proportion to it. And it is well known, that in cities and larger towns the charges of living are much greater, than they need be in a country village, therefore in those places a larger maintenance ought to be allow'd ministers in consideration hereof, otherwise it will not be there a competency for them.

And thus far having shewn what a competent maintenance for a minister is, how much these voluntary contributions (whereby here and in most other cities and larger towns of this kingdom the maintenance of ministers is made up) do fall short hereof in every respect that I have above-mentioned, is too plain a case to need a proof; and how then the guilt of sacrilege can be avoided in those places where there is no other provision for God's ministers, I cannot see. Tho' the divine right of tithes hath been disputed by many, the divine right of a competent maintenance for God's ministers never hath by any, as I have afore-observed, but all that have owned the name of *Christ*, 'till the wild sect of the *Quakers* lately arose, have always allowed, that those who minister

to men in spiritual things, ought to be maintained by them in temporal things, and in such a manner, as shall fully enable them to answer all the ends of that ministry, to which they are called. The law of nature, which commands the worship of God, doth also command this as a necessary means in order thereto, and the law of the gospel frequently enjoins it, and it hath every where been an immutable law of religion among all nations, who have ever observed any religion at all, to provide maintenance for the ministers of religion, and in such a manner as might best conduce to the honour, interest, and support of that religion which they were of. And the *Quakers* themselves, how much soever they seem to be against it in doctrine, have been necessitated to come to it themselves in practice, and do* allow salaries to their preachers as well as we, whatsoever they may pretend to the contrary, and in a much more plentiful manner than the legal ministers of the establish'd church are provided for in the best cities and towns of this realm, it being utterly impossible for any sect or party of men whatsoever to maintain and keep up any religion at all among them without providing for the ministers of their religion, and in such a manner as shall be sufficient for them. And therefore if the detaining of that from the support of God's worship, which is by God's law, both natural and revealed, due thereto, be sacrilege, (which no one can deny, that allows there is any sacrilege at all) then certainly it must follow, that where-ever a competent provision is not made for it, but is detained and with-held, there all that are faulty herein, as far as they are so, do live in a continual practice of this great sin, contrary to God's law and God's honour, and to the great damage of that holy worship which is due unto him, and how then can they expect either God's blessing or God's mercy, as long as they persist herein? as far as they detract from this competency,

* See *Francis Dugg* of this matter.

petency, they detract from that which God by a divine law hath reserved to himself for the maintenance of his ministers, and as far as they do so, they detract also from the worship of God, which cannot be supported without it. And if this be not robbing of God, I know not what else is. And when no false religion (as I have just now observed) hath ever yet been able to deface this principle of making a sufficient provision for the support of God's worship, and the maintenance of those that minister in it, certainly it must much aggravate the case, if we who are of the true religion should fail herein. Had there been no legal establishment, it would have been every man's duty to have done his part for the supplying of this defect, and in such a measure as would best answer the end for the support of God's honour and worship among us. But when a legal establishment hath been appointed for this purpose by personal tithes, (which if paid according to this establishment would have been sufficient for it) and contrary to this establishment men have subtracted those tithes for no other reason but that they cannot now be proved, and do not pay that instead of them which doth amount either to a just compensation for them, or a competency sufficient for the end, for which they were appointed, they take from God that which hath been by man's law, as well as God's law, consecrated to his service, and must by both become guilty of robbery, against him herein. And to live in so great a sin is to live under as great a curse. For God hath himself denounced it by the mouth of *Malachi* his prophet, *Cursed are ye with a Curse, for ye have robbed me, even this whole Nation*, Mal. iii. 9. And wherein this robbery did consist, the former verse telleth us, it was in *Tithes and Offerings*, those means which were appointed for the support of God's worship among them, and the maintenance of those who minister'd in it, from whom they were unjustly detained. And if we by withholding those means make ourselves guilty of the same robbery, what else can we expect,

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but that we have also the same curse drawn upon us for the punishment of it ?

2dly, As those voluntary contributions for the maintenance of ministers in cities and larger towns do mostly fall short of a competency for them, so also are they liable to great abuses. For they being left to every ones good pleasure and voluntary disposition, it commonly happens that on any trivial occasion or unreasonable disgust, and often on very unaccountable humours, they are either cut short, or wholly withdrawn by those, who are to pay them. And hereby I have known it brought to that pass, that some ministers in *Norwich*, when their church-wardens have gone about to collect these contributions, have been forced to go with them from door to door humbly to crave the payment of their salaries in the same manner as beggars do for an alms, otherwise they might have starved for want of them. And after all this humiliation, what was got thereby amounted so little, that in some of those parishes the beggars may be justly said to fare better than they. And what can be a greater disparagement upon ministers of the gospel, and the holy function they are called unto, than to be reduced to so wild a pass ? and what method of providing a maintenance for them can possibly be worse than this, which is liable in such a manner to be abused in the executing of it ? and yet this is not the worst of the case neither. For,

3dly, It is very prejudicial, both to church and state, in that it conduceth to the nourishing of heresy and schism in the one, and sedition and rebellion in the other, as we have sufficiently found by woful experience in the late reign of King *Charles* the First. Had there then been such an established competent maintenance for ministers, in all the cities and larger towns of this realm, as was endeavoured by this decree to have been settled for them in *Norwich*, this would have given encouragement to such sufficient labourers, to have placed their pains there, as would have been able to have fixed and preserved them in
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the true principles of stedfastness to the church, and of loyalty to the king that reigned over them; but for want of such, these places being in a manner deserted to the adversaries of both, false teachers took the advantage hereof to creep in, and settle themselves in them, and the poor stipendiaries, who were there maintained by voluntary contributions, not being sufficient to oppose those wolves who broke in upon their flocks, or not daring to do it for fear of displeasing their people, and losing that little maintenance they had by their good pleasure; and some of them, to gain the favour of the factious, by a vile compliance concurring with them, the seeds of heresy, schism, sedition, and rebellion, which those enemies of truth and peace sowed in those places, grew so fast, that they soon overspread the whole land, and involved both church and state in that devastation, ruin, and confusion, which after followed. And we have still reason to fear the same effect may again ensue, as long as there is the same cause still remaining to produce it, and that especially since it hath been found necessary to grant them a toleration. For now they being at full liberty to set open their shops of faction and schism, in what place they please, to be sure they will especially do so where they are likely to have the best trade, that is, in the cities and larger towns of the kingdom (as accordingly they have done ever since this liberty hath been indulged unto them.) And if here they so far prevail, as to make a majority (as there is continual danger that some time or other they will), then they will be able to send such members only to parliament, as shall favour their principles and designs: and what else can we expect from hence, but to be again over-whelmed with the same calamity of ruin and confusion, as soon as it shall be forgot what we have suffered by the last, and that it is not yet forgot, seems to be the chief cause that hath hitherto preserved us from it. The best means to prevent this mischief, will be to furnish all the cities and
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parliament towns of this kingdom with such learned and worthy ministers, as may be able to adorn their profession, and with a full sufficiency to discharge all the duties of it. For were such men settled in those places, and in a state of freedom and independency from the humours of the people, they would be able thoroughly to countermine all the designs which the promoters of faction and schism may at any time be carrying on to the endangering of the publick safety, either of church or state, and by their worth and abilities, influence all men to be steady and firm to the true interest of both, and they would be able, by their learning and parts, to baffle, confute, and root out every error and false opinion, and so ground their people in the true principles of religion and loyalty, and so form their minds to the practice of them, that faction and schism would soon be trodden under foot, and neither church nor state be any longer in danger from either of them. But it not being to be expected, that this can be done as long as ministers in those places have nothing else to depend upon for their maintenance, but the pleasure of the people, and their lean contributions, the danger will remain with the cause, and neither church nor state can be in safety from it.

And 4thly and lastly, Another great inconvenience from these voluntary contributions, is, That they are paid with great inequality. Were personal tithes duly paid, then all would contribute alike of the increase of their substance, according as God shall have blessed each man herein. But now they are left to their own liberty, every man to give as he shall think fitting; the *Quaker*, and others of the perverser sort of *Dissenters*, the vile niggard and the irreligious, wholly slip their necks from this burden, and bear no part of it all. And others too often proportioning their contributions to the covetous desire of saving their money, or to other passions, humours, and inclinations, which are predominant in them, rather than according to what of
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right they are obliged to do, are not only unjust to God, and his church, in giving less than is fitting, but also to their neighbours, in not giving in that just proportion to each other, which they ought.

And thus far having shewn that it is just and reasonable that personal tithes should be paid in cities and towns, as well as predial and mixed tithes in country parishes, or else such a composition in lieu of them, as will make a competency for the ministers that officiate in them; it only now remains that I make it appear that the composition of two shillings of the pound out of the rents of houses, which is awarded by the decree of King *Charles* the first, is in respect of the tradesman very reasonably and moderately stated. For personal tithes are the tenth part of the gains which he clears at the year's end, and he must be a very poor tradesman who cannot make his clear gains amount to the rent of the house in which he lives. Are there not some, who living in houses of twenty or thirty pound *per annum* do clear many hundreds by their trades every year? and are they not then well used, if instead of paying the tithes of all this, they pay no more than the tithe of the rent of their houses, which very often doth not amount to the thirtieth part of what is truly due?

Here it will be objected, that all men are not traders that live in cities and larger towns, and some men go backward in their trades, as well as others go forward, and some keep at a stand, without either increasing or decreasing their stocks, and yet all these, if householders, must by this composition pay two shillings of the pound of the rents of their houses in lieu of personal tithes, whereas since they make no clear gains by trade, they have no personal tithes at all to pay for; and that therefore this will be to make men pay a composition for tithes, where there are none at all due in kind to be compounded for. To which I answer,

1. Most of those tradesmen who go backward in their trades, or do not make any clear gains by them at the end of the year, owe it chiefly to their profuse and improvident way of living. It is true indeed, that by the law personal tithes are due only out of the clear gain, and that all expences, as well for the maintenance of the trader and his family, as for the carrying on of his trade, are to be first deducted, and then out of the remainder only, these tithes are to be paid. But then it must be observed, that this deduction of expences ought only to be of such * as are reasonable and suitable to the condition of the person, and not of such as are unreasonable and extravagant: and therefore if any one doth waste extravagantly and profusely what would be clear gains to him at the end of the year, if he lived within that compass which he ought, it is to be taken notice of, that in so doing with his nine parts, he spends the minister's tenth, and therefore it is all reason that he should be accountable to him for it.

2. If any one doth live in a trading place, (such as are the cities and the larger towns of the kingdom) and doth not trade, no doubt he hath some other advantage in doing so, which is equivalent at least to the rent of his house (otherwise certainly he would not be at the expence of that rent to live there) and therefore there will be no wrong done him in the charging him with the tithes thereof. At least, by his living there without trading, he keeps out another that would trade, and therefore in this doing damage to the minister, it is reason that he should make him amends for it.

3. Not only traders, but all that make any gains by any other profession or employment whatsoever, as lawyers, physicians, attornies, solicitors, chirurgions, and such like, are all bound by law out of their

* The statute of the 2d and 3d of King *Edward* the sixth, says, That only such charges and expences shall be deducted by the trader, as are according to his estate, condition, or degree, chap. 13. sect. 7.

their clear annual gains to pay personal tithes to their ministers. And if it so happen that any do live in those places where personal tithes are due, who do by none of those ways make any gain that is liable to the payment of them, yet since they partake of the minister's spiritual things, there is an obligation upon them from the law of the gospel, (1 Cor. ix. 11.) if not from the law of the land, that he should partake of their temporal things in return thereto, and therefore none that own the gospel ought to complain hereof.

Thus far I have shewn what the right of this matter is, but the greatest difficulty still remains how to remedy that which is wrong. For how firmly soever the right of personal tithes may be by law established, yet as long as they cannot be proved by reason of the taking away of the oath of the party, they can never be recovered: And how legally soever this award for the paying of two shillings of the pound out of the rents of houses in lieu of them, may have been made by King *Charles* the first, yet now after near seventy years are past, to revive it again by its own authority will scarce be practicable. An act of parliament is that only which can bring a thorough remedy to this evil; and three times attempts have been made by the best disposed of the inhabitants, to induce this city to petition for it. And in the year 1677, it went so far, that a committee was appointed by the aldermen and common council met in their assembly to prepare the bill, and it was accordingly drawn; and although it was but for eighteen pence of the pound, yet that would have been an establishment, which it was hoped would in a great measure have answered its end, could it have been effected. But when the bill was presented, and put to the vote in a subsequent assembly, the pious design of those worthy citizens who desired to do right to God and his church in this matter, and had heartily laboured herein, was overpowered by those who were of contrary inclinations. And so it hath happened in all other attempts that

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have since been made for the effecting of it, which sufficiently shews this is not the method whereby it is to be done, and therefore some other course must be taken of addressing to the parliament for it. For where the disease is notorious, a cure must be provided, tho' the patient (as it sometimes happens) be so insensible as to make no complaint of it. And what a malady it is to have no establishment for the support of religion in so large and opulent a city, I have already shewn. And I can with the more freedom press this matter, because I have no interest of mine own herein, as being one who will be no way advantaged by it, which way soever it goes, any otherwise than by the satisfaction which I must always take in that which will bring so great benefit to the church of God.

But to provide an act of parliament to remedy this evil in *Norwich* only, will be a plaister too narrow for the sore. What is the case here is also the case of almost all the other cities and larger towns of the realm, where there are no predial or mixed tithes arising. For in all of them, as well as in *Norwich*, personal tithes have been wholly subtracted ever since the statute of the 2d and 3d of King *Edward* the VIth; and in every one of them this evil needeth a remedy as much as here.* In *London* and *Canterbury*, where there were ancient compositions for those tithes settled upon the rents of houses long before that statute, these compositions, I acknowledge, have still remained. And in *Coventry* † a composition of two shillings of the pound out of the rents of houses hath been settled by act of parliament, *Anno quarto & quinto Philippi & Mariae*, and in the 13th of Queen *Elizabeth*, ‡ another act passed for the town of *Ipswich*, to empower the magistrates of that place to lay an annual tax upon the inhabitants for the maintenance of their ministers, which,

* Vide supra.

† See the Award.

‡ Abridgment of the Statutes, title *Ipswich*, fol. 238.

which, if duly executed, would there effect what is needful. But in all the rest of those cities and larger towns of the realm, and also in all the parishes of *London*, which are without the ancient liberties of that city, nothing else hath been left for the maintenance of God's ministers, and the support of his worship among them, but what every man shall think fit to contribute thereto. And although this in the out-parishes of *London*, by reason of the vast number of their inhabitants, may amount to what is considerable, yet in all the other cities and larger towns of the kingdom, where ministers have nothing else but this to depend upon, it falls so much short of a sufficiency, that there, where there is most work for them, they are for the most part the worst provided for, and the consequence usually is, there churches are the worst served of any other in the kingdom.

That therefore which the case calls for is, that such a remedy be provided, as may be sufficient to cure the whole disease, and every where remove that which is so publick a mischief to the whole realm. And a general act of parliament, either for the renewing of personal tithes, by again restoring the oath, whereby they may be proved, or else by establishing a just composition instead of them, either upon the rents of houses, or otherwise, is the only way whereby it can be effected. And since personal tithes are still due by the law, I cannot see what can be said against the oath for discovering them, there being no other way whereby justice can be done in this case. Were it in a criminal matter, it would indeed be an hard case to bring a man upon his oath to give evidence against himself; and for this reason I cannot but acknowledge the oath *ex officio* to have been very justly taken away. But since in matters of common right (and that of personal tithes is none other) it is the usual practice of the Chancery, of the equity-court in the exchequer, and of all Ecclesiastical Courts, to bring the defendant upon his oath,

oath, in answer to the bill or libel preferred against him, to make all manner of discoveries against himself, which shall be required of him in all cases whatsoever, and this being done in all suits for predial and mixed tithes, as well as for all other matters, there can no reason be given why it may not be allowed in the case of personal tithes also. But some certain composition in lieu of them, upon the rents of houses, as hath been already practised in some places, would be the best and easiest way. In *London* two shillings and nine-pence of the pound, and in *Canterbury* two shillings and six-pence of the pound, have been settled by ancient compositions, and in *Coventry* two shillings of the pound by act of parliament, and the like was endeavoured to have been settled here in *Norwich*, by this award of King *Charles* the 1st. But the bill prepared in 1677 did put it but at one shilling and six-pence of the pound. Were either of these rates established, though the lowest of them, there would be a certainty to depend upon, and it may be hoped that the lowest would in some measure do the thing, and perchance in some towns, where trade is less, the lowest of these compositions would be the properest, but in other places, where more is got by trade, as the personal tithes would there be higher, so it is just that in them an higher composition should be paid in lieu of them. And if what I have said above be of any force to plead for this remedy in *Norwich*, it must be also of the same force to plead for it every where else in this realm, where the case is the same, and that it might do so is the chief reason of my present publishing of these papers.

While this matter remains in the same state as at present, there are these manifest absurdities and unreasonable abuses in it

1st, That while the countryman pays the full tithes of his income, the rich tradesman and the wealthy merchant, who make five times the gains, and with five times more ease, pay nothing at all.

2. While

2. While in mean country villages there are in many of them large endowments for ministers; in the cities and larger towns of the realm, where the most of the riches and the greatest wealth of the nation is, there are none at all, or else such mean and poor ones, as are altogether as useless to the end intended, as if there were none.

3. The consequence of this is, that those parishes which by reason of the largeness of their cures, the politeness of the inhabitants, and the greatness of the ministerial work to be there performed, have most need of the ablest and best ministers to take care of them, are too often provided with the worst; and the ministerial duties there discharged in the lowest and meanest manner, where all the circumstances of the place call for them in the highest. In all other christian countries the best endowments for ministers are in those towns and cities, where there is the most work for them, and the most need of the best abilities for the successful performance of it, and accordingly they are always the best provided for. But in this land, as if we were the antipodes in this matter to all the world besides, and also to reason itself, all is quite the contrary: the best provisions for ministers here are in country villages, where there is the least need of the ablest men, and none at all in cities and larger towns, where there is the most need of them. And how absurd and preposterous this is, is too manifest to need that I say any more about it.

But were this rectified in the manner as I propose, there would not only be a thorough reformation of these absurdities and abuses, but also many great benefits would accrew herefrom both to church and state.

1. It would very much conduce to the preserving of the peace both of church and state, in keeping out schisms and heresies from the one, and faction and rebellion from the other. The manner how it would do so I have already shewn, and therefore need not here again repeat it.

2. It

2. It would very much conduce to the reforming of the nation. For how much the cities and larger towns influence the rest of the kingdom is well known, and therefore were religion, virtue, and sobriety made to flourish in them, it would certainly be the readiest way to make it so every where else. And what readier course can be taken to bring this to pass, than by placing in all those cities and towns such ministers as are the best able to effect it? And this would soon be done, were there such settlements made in those places, as would be encouragements suitable for them.

3dly, It would be the readiest way to improve the whole body of the clergy in learning, piety, and sober living. For were the learnedst, and worthiest of the clergy settled in the cities, and the larger towns of the kingdom, they would be there as burning and shining lights placed on the top of an hill, from whence they would transmit their influence to all the vallies beneath, and all the rest of their brethren would be guided and enlightened by the benefit hereof. For the cities and larger towns of the realm are the places where the clergy of all the neighbourhood round, as well as the laity, make their chiefest resort, and according as they find the notions and practices of ministers in those places, they do most commonly frame their own. We have found that ill men settled in those places have hereby had an influence over their brethren in the neighbourhood to corrupt them in their principles, and misguide them in their practices, and therefore were it so ordered that good men were always placed in them, why might we not expect they would have as strong an influence on the other hand to guide them aright, and reform them?

4thly, It would lay a foundation for the likeliest method to reform the city of *London*, which is the great foundation of corruption, from whence hath flown all that deluge of vice and iniquity which doth at present in so large and lamentable a manner overflow

flow this land. For most of it there hath its rise from the out-parishes, where the people have scarce any benefit, either from magistrate or minister, the ordinary magistrates there being mostly such, who instead of suppressing vice and debauchery, look on themselves as appointed only to make gain of their places by licensing and encouraging it; and the ministers too few for the fiftieth part of the inhabitants. For some of those parishes are so large, that should all the inhabitants come to the parish church, there would not be room for them there in their turns above once in a year. So it is in the parish of *Stepney*, and so it is in the parish of *St. Giles Cripplegate*, and so in some proportion in most of the other out-parishes, from whence it comes to pass, that abundance of people living in those parishes are as much strangers to religion, and all the power and influence thereof, as any of the heathens, either in the *East* or the *West-Indies*, and need as much the care of the society *de propagando Evangelio* to convert them as any of those. And this being the case of those parishes, what else can be expected but that all manner of vice and iniquity should there abound, where there is neither law nor religion to restrain it? But were there the same law for these out-parishes, that there is for the body of the city, and the houses without the liberties made pay the same composition in lieu of personal tithes for the maintenance of their ministers, as they are within, then every hundred and fifty, or two hundred houses at most, would be able to maintain a Minister, a Lecturer, and a Reader. And were these vast parishes thus divided into many, then the minister's care might be large enough for all his people, and every one of them partake of the benefits of his ministry. And were these parishes, being thus constituted, distributed into wards, in the same manner as in the city, putting two or three of them into a ward, and a proper magistrate appointed with the authority of a justice of the peace over every ward, out of the worthiest and most substantial of the inhabitants, such

an one as would really suppress vice, and not licence and encourage it for gain; we might then hope from the minister and the magistrate thus joined in the work, a thorough reformation of manners in the corruptest parts of the city. And how much this would have an influence to reform the whole nation also, is easy to be discerned. And till this method be taken, it is scarce possible to conceive any other way whereby it can be effected.

5thly, It will be the certainest way to make the whole state of the land to flourish. *Solomon* tells us, that *Righteousness exalteth a nation*, Prov. xiv. 34. and the experience of all ages hath justified the truth hereof. For vice, wickedness, and unrighteous dealings among men, are great diseases in any state, and whenever they prevail, introduce such disorders into its whole œconomy, as will soon make it languish and decay. But where righteousness, virtue, and sobriety do flourish, they bring all things to their due crisis, and always establish the soundest state of health and vigor in the public body of the common wealth. And in whatsoever people or nation there is most of this, there always shall we find them most happy within themselves, and most formidable to all others that would rise up against them. And what is there that can more powerfully press upon men these duties, or more strongly oblige them to the observance of them, than the holy Christian religion which we profess? And therefore what method is there that can be more effectual for the inducing of all men to the practice of them, than the settling of a sufficient and able ministry in all places to instruct them herein? But how can this be, as long as the cities and greater towns of the realm be so ill provided with a maintenance for them? Let this fault be mended either in the manner which I have proposed, or any way else, as the government of the nation shall think fit, and then the gospel of Jesus Christ being fully preached unto our people, it will have its full power and influence over them, to make piety, righteousness,

teousness, sobriety, and every virtue to flourish in our land, and whenever they do so, they will become the most effectual means to make every thing else among us to flourish also.

And to remove such abuses, and gain such benefits to the public good of the whole realm, as I have here mentioned, is certainly cause enough for the Legislature of the kingdom to interpose herein, and that they should do so, there are these reasons especially obliging them hereto.

1. Because the evil hath all proceeded from their own act, and therefore it must lie at their doors, till it be reformed. It is indeed a corruption of the law, which they never intended. For in the statute of the 2d and 3d of King *Edward VI.* they do enact and confirm the payment of personal tithes in as full and express words as can well be devised; and by virtue hereof, in all places where they were used to be paid within forty years before, they are still as much due by the law of the land, as any other tithes whatsoever. But they having taken away the oath, whereby only they could be proved, advantage hath been taken hereof to substract them ever since. And this being the only reason that now they are no more paid, or any thing else in lieu of them, it is manifestly a corrupt practice contrary to law. But however since they that made the law, are bound to reform all the corruptions of it; they cannot be excused 'till this be done. I acknowledge no law can be made, how good and right soever it be, which wicked and corrupt men will not find ways to pervert, or frustrate; neither is it within the power of human foresight fully to provide against it. But when the corruptions do appear, and the flaw becomes discovered by the evil practices that follow, then those who made the law are bound to interpose their authority to remedy the fault, and prevent all the ill consequences of it, otherwise they make it their own. For not to reform the evil in this case, is to approve it; and although they never designed

it in the original draught, yet if they permit it to continue without check or amendment, when it is fully seen and discovered, they then own it by suffering it, and do in consequence make themselves as much the authors of it, as if they had really been so in the first intent of the law itself, and must be altogether as much answerable to the supreme Governor of all things for the iniquity of it. And therefore allowing that the subtraction of personal tithes, by virtue of the statute of King *Edward* the VIth, was not intended by the law, but is a meer corruption of it (as most certainly it is), that is reason enough why it should be no longer borne. And it being a corruption of that high nature, that it deprives God of his worship, and his ministers of their rights, makes so many of the people of the land sacrilegious, and draws after it all the other ill consequences which I have above-mentioned, it certainly makes it in the highest manner the duty of those who have authority over the laws, to reform and amend it. And both the nature of their trust, and the heinousness of the thing itself, call loudly upon them for it; and 'till they have done this, they approve of the evil by suffering it, and consequently involve themselves in all the guilt thereof.

2. Since it is on all hands allowed that a competency for the support of God's ministers is due by God's law, it is the duty of the supreme government in every christian state to set apart this competency, and preserve it, when so set apart, from being by any corruption or injustice diverted from the end intended. And how much then must they fail of this duty, if they fail of doing so in those cities and larger towns, where there is the most need of it? Here the service of God must suffer most for the want of it, and therefore here certainly it must be the greatest breach of duty to suffer this want to be.

3. It is not a luxurious, or a pompous maintenance, which I move for, or such an augmentation of revenue, as shall enable the ministers of religion
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to enrich their families, and leave estates behind them to their heirs, but only such a provision as is necessary for the carrying on of God's work entrusted in their hands, and the putting of them in such a state and condition of living, as may enable them to labour therein with that success which is requisite. And that such a competent maintenance be provided for them, the very nature of the thing itself makes it absolutely necessary, and the law of God doth also positively command it. And to make the maintenance provided to be thus competent, it must be such as shall be sufficient to answer its end in all the particulars I have above-mentioned, otherwise it will not come up to the reason of its appointment, or the fulfilling of that law of God, which commands it to be provided for them. For as the church may be surfeited by a too plentiful and luxurious provision, so may it be starved to death for want of a competent one. That this competency of maintenance hath been wanting in the cities and larger towns of this realm ever since the withdrawing of personal tithes, and that hereby the law of God is broken, his worship insufficiently provided for, and the souls of men neglected in them, is that which we complain of. And that this deficiency may be supplied, and a maintenance for God's ministers settled in all those places in such a competent and sufficient manner, as that God's law may be observed in this particular, his worship duly provided for, and the souls of men thoroughly taken care of, is all which in this treatise is pleaded for.

Norwich,
Sept. 10, 1706.

P O S T S C R I P T.

I Had no sooner determined to put this Tract of Dr. *Prideaux's*, now grown scarce, again to the press, than it occurred to me, that the design of its re-publication, at this *particular juncture*, would be more fully answered, if the substance of the *Statute of Philip and Mary, for the payment of Tithes in the city of Coventry*, was annexed to it, as the persons to whom it is more immediately addressed, would thereby have an easy opportunity of comparing it with the preceding *Award*; and, from the striking *similarity of circumstances* that subsists between them, be the better enabled to form a proper judgment of their *common pretensions* to reason and justice. Such an *abstract*, therefore, of that *act*, as I was capable of drawing up, who profess myself to be no *lawyer*, is hereunto subjoined.

Should this pamphlet happen to fall into the hands of the *Norwich* clergy, I must intreat their indulgence for the omission of a few pages of the *Vindication*; in lieu whereof, I beg leave to substitute my sincerest Wishes for their Success, whensoever they shall be induced to renew their application for that *competent provision*, which the *Royal Martyr* plainly intended for them, and which the *worthy Dean* hath so incontestably shewn to be their *due*.

By

By the Statute of the 4th and 5th of *Philip and Mary*, for the Payment of Tithes in the City of *Coventry*, it is enacted:

1. **T**HAT the citizens of *Coventry* shall yearly, Every house, &c. of 10s. rent, to pay 12d.
without fraud or covin, for ever pay to their respective Vicars, for every ten shillings rent of all houses, shops, warehouses, cellars, and stables, within the said city and liberties of the same, twelve pence; and for every twenty shillings rent, two shillings, and so ascending for every ten shillings. — and of 20s. rent, 2s. and so above in proportion.
2. That if any dwelling-house, shop, &c. be fraudulently leased, reserving less than the customary rent, or, by reason of any fine, &c. without reserving any rent, then the farmer or tenant shall pay after the same rate the said house, &c. was last lett for, without fraud or covin. Houses, &c. leased for less rent than usual, or without rent, to pay tithes according to the last rent;
3. That if the owners hold their houses, &c. themselves, then they shall pay tithe after the rate aforesaid, or after such rent as those houses, &c. shall be rated at by the Lord Chancellor's commissioners. as shall houses, &c. in the occupation of the owners, or after a rate fixed by commissioners.
4. That if any person take a house by lease, and he or his executors, &c. live in any part thereof, and set out part, the principal farmer or taker, his executors, &c. shall pay for his share after the rate abovesaid, and the occupiers of the residue according to the rent it is set at. And if any person takes a lease of several houses, and lets out part, and holds a part himself, then such taker shall pay for what he holds after the rate aforesaid, and his assigns for the remainder. Where divers persons dwell in the same house, the first taker to pay tithe, as aforesaid, and the rest according to their respective rents: and one person taking divers houses, shall pay tithe for what he retains, and his assigns for the rest.
5. That if any such farmer, or his assigns, shall lett out all the houses, &c. contained in his lease, to one, or to divers tenants, then the tenants shall pay their tithes according to the rent reserved. Houses, &c. being united or divided, to pay according to the accustomed proportion,
6. That if any dwelling-houses shall be converted into warehouses, malt-houses, &c. or the contrary, yet they shall pay tithe after the rate aforesaid. and so also if converted to other uses.

Where utensils are lett with workhouses, the 3d penny to be abated.

Lease taken at a lower rent than usual, on account of ruins, tithes to be paid accordingly.

Snops, &c. being united to a house, shall pay to the full rent, if divided from it.

Renters of 10s. or more, to pay no offerings; but each of the Family 2d. yearly.

Houses of 10s. rent, or above, if lett into small parcels, tithe shall be paid by the owner, or principal lessee.

Gardens for pleasure to pay no tithe; but otherwise if for profit; and so if divided into less quantities.

Tithes to be paid quarterly.

All Controversies to be determined by the Mayor, or (if the Mayor do it not in a month) then by the Ld. Chancellor and the two Chief Justices.

7. That if any dye-house, brew-house, &c. be lett with the implements, then a third penny of the tithes shall be abated.

8. That if any tenement shall, by reason of any great ruin, or decay, be leased at a less rent than customary, then the tithes, during such lease, shall be paid only after the rent reserved.

9. That when any house, with shops, stables, ware-houses, timber-yards, tenter-yards, gardens, or orchards thereunto belonging, and occupied together, shall afterwards be severed, then the farmers of such shops, &c. shall pay their tithes according to their several rents.

10. That every householder paying ten shillings rent, or above, shall be acquit of his offerings; but his wife, children, servants, &c. taking their rites of the church at Easter, shall pay two-pence yearly.

11. That if any house of ten shillings rent, or above, shall be lett by parcels under the rent of ten shillings, then the owner, if he live in any part thereof, or the chief tenant, shall pay the tithe after the rate which the said house was accustomably lett for before such division, and the sub-tenant shall pay only two-pence yearly.

12. That no tithe shall be paid for gardens which are held for pleasure; but if any gardens contain half an acre, or more, and yield any profit by sale, then they shall be paid for after the rate above specified; and also, if divided into lesser quantities.

13. That these tithes shall be paid quarterly, viz. at Easter, Midsummer, Michaelmas, and Christmas.

14. The Mayor of Coventry, by the advice of council, is authorized by this act, to hear and determine all differences arising thereupon, and to give costs; but if the Mayor do not make an end of such differences within a month after complaint; or if any person find himself aggrieved, then the Lord Chancellor, together with the two Chief Justices of England, shall make an end of the differences with costs.

